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King James the Sixth of Scotland.

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THE REBEL EARL

AND OTHER STUDIES

BY

WILLIAM ROUGHEAD

AUTHOR OF

"GLENGARRY'S WAY," "THE FATAL COUNTESS," ETC.

WITH TEN ILLUSTRATIONS

So here is another book for you! Only don't scold me! It is not nice to scold at parting, especially when God only knows whether one will soon meet again.

NIKOLAY GOGOL.

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TO JOHN BUCHAN

You may remember how, when we met in Edinburgh one day at lunch in the University Club, you introduced me to the late Francis Stewart, sometime Earl of Bothwell, a personage till then, like Mrs. Harris, "unt eknown to me except by hearsay." Since that golden occasion I have cultivated to the best of my ability the acquaintance so auspiciously begun, and I am moved in gratitude to dedicate to you the fruits of a relationship of which you are the only begetter.

I wish I could flatter myself with the belief that you will think I have done justice to the personality of our mutual and noble friend, or that you may find in this bare epitome of his portentous course a measure of entertainment; for I have spent so many happy hours in the brave company of your heroes, that I would fain discharge some portion of my debt.

But should this presentment of our Bothwell fail in appeal, I indulge the hope that other of the following studies may be more successful; and in any case I count upon your generosity to take the will for the deed.

W. R.

PREFACE

IT was the custom of the late Mr. Grimaldi, on making an appearance in his public capacity, to greet his patrons with the cheerful ejaculation, "Here we are again!" In these degenerate days his profession has fallen into desuetude, so that by adopting his genial formula I infringe nobody's rights. Plainly he assumed that his audience was glad to see him, and I would fain feel warranted in the like assumption. His performance on each occasion was described as entirely new and original; but seeing that there is nothing new under the sun, and that our latest jokes have tickled ribs long since resolved into their pristine dust, the boast may be regarded as professional licence. So, too, with my own modest programme: I merely freshen up the old facts, and try to present them as attractively as may be.

The difficulty, however, of pleasing everybody is proverbially insuperable. Thus, an author of distinction, whom it was my privilege to call friend and who, for me, was President of the Court of Literary Appeal, wrote me once, apropos of an historical paper of mine which he had been pleased to read: "Do, very generously, send me the sequel to your present study—my appetite has opened to it too; but then go back to the dear old human and sociable murders and adulteries and forgeries in which we are so agreeably at home. And don't tell me, for charity's sake, that your supply runs short!" Well, that was in 1913; and here am I in 1926, still to the fore—the criminous offspring, as it were, of Johnnie Walker and Charlie's Aunt! On the other hand, refined persons of my acquaintance have said to me: "We like your historical things very much, history is so improving; but why write about

murders and criminals? No really nice-minded people are interested in such morbid subjects." And some breezy advisers there are who, having my welfare at heart, thus admonish me: "My good man," they say, "why not for a change do something original: why don't you write a novel?" I cannot see that by doing so I should display striking originality, the idea having already occurred to, and been copiously acted upon by, so large a proportion of my contemporaries. Moreover, I could not write the kind of novel that I like to read, and for the other sort I have no manner of use. If I could write such a novel, say, as *Emma* or *Vanity Fair* or *The Egoist*, why then I would set about it forthwith; but having scant confidence in the success of an attempt I prudently abstain. True, there is a more modern, if less fragrant, field open to me; could I emulate the psychopathic power of such admired fictions as *Gomorrah*, *Bathsheba's Bath*, and *The White Eunuch*, or even the brilliant audacity of that pastiche of post-war society, *Pan in Pyjamas*, all would be well, and I might number myself among the goodly company of "best sellers." But, alas! such high adventures are beyond my scope: I am safer to stick cobbler-like to my humble last.

In view of these various objections I have ventured to compose a parable, of which, as of the oracular pronouncements of the immortal Bunsby, it may be remarked: "The bearings of this observation lays in the application on it. That an't no part of my duty."

A certain man dwelt in a city where he had a little garden, which he planted after such fashion as to him seemed good.

He chose his seeds with judgment, he sowed them with discretion, he watered them with care; and when in due season they sprung up and brought forth blossoms, he gathered them into a garland and offered them for sale.

But his neighbours were moved with indignation, and murmured against the man and his garland.

And one said: "Wherefore should I buy thy garland? All the flowers I have need of I can get from the nearest nurseryman."

Another said: "I do not like their perfume: it is too natural and homely. Were they sin-spotted exotics, exhaling an odour of decay and death, then had I bought thy flowers."

A third abused him because he grew not vegetables, saying: "I would have no flowers grown save cauliflowers; is not a cabbage of more profit than a bloom?"

A fourth rebuked him for neglect of his opportunities. "In the time that thou hast taken to grow these silly flowers," said he, "mightest thou have acquired a working knowledge of psycho-analysis or the rudiments of relativity."

But the man answered and said: "What I have grown I have grown for my proper pleasure, and the gain and the loss thereof alike are mine. Behold, the garland is here to take or to leave. Yet are there others beyond this city, foolish folk; peradventure they may deem it desirable and it shall find favour in their sight. To them will I offer my flowers."

Which is a parable of no importance to any but a local and minor prophet.

Concerning the several items of my programme I suppose I must say a customary word. To maintain my reputation for bloodthirstiness there are included no fewer than five murders—though of one of these I am bound to say the accused was acquitted—and all of them are, I think, worthy of recital. In the case of Adelaide Bartlett the curious relations between the wife, the husband, and the reverend paramour form a psycho-sexual complication with which only the valiant scalpel of Mr. D. H. Lawrence could adequately cope. Here, of course, you have but the pale facts, unflushed by any Freudian fire. The case of Constance Kent differs from that of

Mrs. Bartlett in respect that it has had other and abler historians; thus I reverently follow in the footsteps of J. B. Atlay and of Miss Tennyson Jesse. But as I have an affection for Constance, I wished to tell her strange story in my own way, and though I have no fresh facts to offer, the illustrations which I am fortunate enough to provide are at least an added attraction. I am specially obliged to Mr. S. M. Ellis for his kind permission to reproduce the attaching portrait of my heroine. The Haddington murders, for stark ugliness and cold-blooded ferocity, are comparable only to those of De Quincey's friend Mr. Williams, who conferred a horrid notoriety upon the Ratcliffe Highway of his day. I confess I wrote this paper mainly because I wanted to reprint the broadside, which appealed to my æsthetic perception. I do not care much for the case itself, and my sympathies are chiefly engaged in behalf of the pig, whose character and comfort suffered equally at the hands of the inconsiderate assassin. As some compensation to such readers as may think that in this case I have been exercised in the unfruitful labour of making bricks with an insufficiency of straw, "An Academic Discussion" is appended; the purpose of that *jeu d'esprit*—which, by the way, shelters itself from puritanic rebuke under the shadow of De Quincey's famous essay—being to direct the attention of British connoisseurs to Mr. Edmund Lester Pearson's admirable volume of American crime, *Studies in Murder*, which contains a superb account of what I do not hesitate to pronounce the best murder ever committed, described in a manner worthy of the subject. The sketch of Lizzie Borden on trial for the slaughter of her parents I owe to the kindness of Mr. Pearson. The two murderers in "The Scotch Triumvirate" are notable examples of Caledonian rascality. Captain Lowry is a sea ruffian who might have stepped out of the pages of Smollett; Captain Cranstoun enjoyed, with Mr. James Fleming of Sandyford murder fame, the uncommon satisfaction of seeing

another person tried for a crime of which he was the author. Major Macdonald, for all that I can tell, might have been a sixth string to my blood-stained bow. But perhaps by the supposition I wrong that unknown warrior: his time afforded him a choice of so great a variety of other capital offences that he may only have robbed a henroost.

The two historical studies, which, curiously enough, both relate to rebel earls, the outraged monarch being in each instance our old friend James the Sixth, are designed for readers of the graver sort. James here is not, as in the Gowrie business and the affair of Overbury, the villain of the piece, and indeed, it must in justice be admitted, was more sinned against than sinning, for him an unusual experience; but these examples of the evils of his misrule throw an interesting sidelight on the state of the unhappy country calling him sovereign. The Earl of Orkney supports the part of a pirate king in very bold and convincing fashion; while the Earl of Bothwell, in his original rôle of King-catcher, literally plays the "Devil" with the King's peace. Each of them, by a strange coincidence, chanced to be a cousin-natural of his prince, and surely James had trouble enough with his legitimate relatives without being harassed by bastard kinsfolk. Verily, his teeth were set on edge by reason of his grandfather, James the Fifth's weakness for forbidden fruit!

There remain three items in a lighter vein, addressed to less serious spirits. Perhaps I ought to apologise for their inclusion, but I am not going to do that, because they are my own favourites. Of these, "A Gathering of the Fragments" was contributed to *A Cadger's Creel:* the Book of the Robert Louis Stevenson Club Bazaar, and I have to acknowledge the courtesy of the Editor, Sir George Douglas, in allowing me to reprint it. As my readers know, I have a high regard for Lord Braxfield, the prototype of Weir of Hermiston, and here I make the bold essay

to give a glimpse of the Justice-Clerk, surrounded by other figures left unfinished by the passing of their begetter. "The Tincklarian Doctor" is a character after my own heart. He flourished in the Auld Reikie of the eighteenth century—that city and period of my dreams—and my one regret is that his style is too racy for toleration by modern taste. It is a quaint reflection that while we can stomach any amount of scantly veiled indecency in the form of fiction, the frank free utterance of our outspoken forebears on matters of fact is to us anathema. The Doctor called a spade a spade, hence I have had to edit him severely; had he only been a present-day novelist of pathological proclivities he might, as the phrase runs, have let the tail go with the hide, with none to say him nay. "Lord Dunsinnan's Spectacles" is a fancy founded on a real and very charming experience of mine in visiting the home country of Katharine Nairn. The occasion yielded other and more important grain, elsewhere duly garnered, and this small sheaf was gleaned for my own amusement. I should be very glad if anyone else participates in the pleasure.

But I linger overlong before the curtain; let the bell be rung forthwith and the performance begin. If it prove disappointing, you may have your money back—provided always that you paid for your seat.

William Roughead.

12 Belgrave Crescent, Edinburgh,
September, 1926.

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THE REBEL EARL:

A FOOTNOTE TO "OLD MORTALITY"

THE REBEL EARL:

A Footnote to "Old Mortality"

> A palsey does possess me; ha! Lorenzo?
> Our cousin the enemy of our life and state!
> My bosom kinsman?
>
> James Shirley: *The Traitor.*

OLD MORTALITY, that glorious and glowing tale, which in the judgment of Andrew Lang is perhaps the best of Scott's historical romances, was Sir Walter's first attempt to reconstruct the past from written records. *Waverley*, as he tells us, was inspired by stories told to him in his boyhood by old warriors of the Forty-five, "who were, like most veterans, easily induced to fight their battles over again for the benefit of a willing listener like myself." *Guy Mannering* and *The Antiquary* are novels of contemporary Scottish life—the former, that of his own youth; the latter, that of his early manhood—and as such were the fruits of personal observation and experience. But in *Old Mortality* he sought by the spell of mere imagination to breathe upon the dry bones of history that they should live. Fortunately for him, as for posterity, to Scott the past was, in Professor Herford's phrase, the present gone by: hence the likeness of his portraits, the truth of his descriptions, the abiding power of their appeal.

There are achieved in this fine tale three effects, which, after the book is laid by, inevitably haunt the memory: the boom of the kettle-drums, heard by Henry Morton in the night, as the Royal cavalry approaches the house of Milnwood, where reluctantly he has given shelter

to the dour Covenanter, Burley, fleeing for life from the avengers of the Archbishop's blood; Morton, after the rout of Bothwell Brig, in the clutches of the fanatic Cameronians within the lonely farmhouse on the muir, watching the dial-plate of the clock for the first stroke of midnight that would announce at once the passing of the Sabbath and the term of his own existence; and between these two pictures, the death of Sergeant Bothwell by the hand of Burley at Drumclog: when, after a fierce contest, his sword-arm broken by the kick of a flying charger, he stands disarmed before his implacable foe.

"Base peasant churl, thou hast spilt the blood of a line of kings!"

"Die, wretch!—die!" said Balfour, redoubling the thrust with better aim; and, setting his foot on Bothwell's body as he fell, he a third time transfixed him with his sword. "Die, bloodthirsty dog! die as thou hast lived!—die, like the beasts that perish, hoping nothing, believing nothing——"

"And FEARING nothing!" said Bothwell, collecting the last effort of respiration to utter these desperate words, and expiring as soon as they were spoken.[1]

And, indeed, of all the lively figures that fill so movingly these admirable pages, few are more attaching or more brilliantly drawn than that of the gallant, dauntless, overbearing Bothwell. Who can forget how Cuddie Headrigg found upon his dead body "a bit ring he had hinging in a black ribbon doun on his breast—I am thinking it has been a love-token, puir fallow"; and the pocket-book "wi' a wheen papers," in which, among army commissions, tavern bills, and certificates of service, was an accurate account of his genealogy, together with a list of the forfeited estates of his forebears and the names of those courtiers upon whom King James the Sixth had been graciously pleased to bestow them, concluding with the words "*Haud Immemor*, F.S.E.B., the initials probably

[1] *Old Mortality*, chapter xvi.

intimating Francis Stewart, Earl of Bothwell" ; finally, the chafed and faded love-letters, the lock of fair hair, and the verses inspired by "a virtuous, though unfortunate, attachment" ? But it is with these same ancestors of his, not with their fallen descendant, that we are now concerned ; so having paid this brief tribute to his memory, we take leave of the Sergeant, and retrace our historical steps.

. . . . . .

The place was Scotland of the many sorrows ; the time the end of the sixteenth century, wherein that country suffered for its sins the dominion of our sixth James. The protagonists were the fifth and last Earl of Bothwell, and the High and Mighty Prince himself, Heaven's Viceregent in his own conceit, God's silly vassal, according to the Kirk ; but by the profane deemed to have taken arles from another and inferior Power.

Now, as I have been on sundry occasions reproved by divers of the learned with failing to do justice to a monarch who, they tell me, was a just and enlightened ruler, in private life of blameless walk and conversation, and personally amiable, wise, and witty, I should like to quote the opinion of John Hill Burton, Scotland's standard historian, who, in contrasting after the Plutarchian model the characters of King James and his mother, Mary Queen of Scots, remarks :

> Even in the evil repute that haunted both, there was the antithesis of the sublime and the ridiculous. The charges against the mother were of those great appalling crimes which frighten mankind ; yet they had to be sought out under a covering of calm decorum and gentle elegance, such as might become unsullied virtue. Her son, on the other hand, wallowed in filth, moral and physical. His Court was the crew of Momus, without the seductive cup of Circe that was employed to seduce better natures to the level of its degradation. To whoever approached it, the eye and nostrils told of the abomination before he entered, and he made his election in full consciousness of what it was. The meanness of those about him, his loathsome familiarities with them, his diseased curiosity about things that rightly-tempered minds only approach at

the bidding of necessity and duty, his propensity to touch and stir whatever was rank and offensive, afforded to his malignant enemies the range over the whole scale of sensual vices as their armoury.[1]

In short, James was before his time: he had all the qualifications for a popular exponent of the sex-complex school of fiction, wherewith the young of our circulating libraries are nowadays so wholesomely regaled; while in the exercise of what he termed "Kingcraft," or the gentle art of government, his intelligent anticipation of the ingenious methods of MM. Lenin and Trotsky is beyond praise.

The Bothwell with whom we have presently to do is not the Border bandit who despoiled Queen Mary of her fame and throne and left her in the lurch at Carberry, but his nephew, Francis Stewart. Her princely progenitor, James the Fifth, had been in his day as much a father to his people as his successor Charles of merry memory, and was equally lavish in broadcasting the blood-royal. By Jean Hepburn, sister to Mary's Bothwell, he had an illegitimate son, Lord John Stewart, afterwards appointed Prior of Coldingham, who was thus brother-natural both to the Queen and to the Regent Moray. This reverend and noble person had in turn a lawful heir, Francis Stewart, who succeeded his father in 1563, probably the year of his birth.[2] Most of the benefices of the old dismembered Church—presumably on the principle: the nearer the Kirk, the further from grace—were conferred upon the Crown bastards or their issue, and Francis in due time became Commendator of Kelso. As a young man he seems to have enjoyed the confidence of his king and cousin, and in consideration of his maternal descent was in 1576 created Earl of Bothwell and Lord Hailes. His uncle, the fourth earl, still survived as a prisoner in Denmark, but neither James nor Francis troubled about

[1] *History of Scotland*, v. 373. Edinburgh: 1874. This has reference, not so much to Holyrood, as to Whitehall, where James's "singular graces" reached their full development.

[2] *The Complete Peerage*, ii. 240. London: 1912.

that. The new peer was given other offices which also had pertained to his notorious kinsman: Lord High Admiral of Scotland, Sheriff of the Lothians, Merse, and Berwick, etc.; and in 1578 we find him, at the opening of Parliament, one of the six earls by whom "His Majesteis rob royall wes borne up."[1] He married a Douglas: Margaret, daughter of the Regent Morton's nephew, David, Earl of Angus, and widow of Sir Walter Scott of Buccleuch. When the Douglas fortunes were on the wane and Morton's fall was imminent, Bothwell prudently went abroad, remaining there until the year after the Regent's execution. "Upone the xxvj day of Julij [1582], Frances erle of Bothuell come from France, and landit at Leithe. He come to the King, being at Perthe, upone the xxix day, quhair he wes hairtelie welcomed."[2] Before going to Court it behoved him to see how the land lay, and he had a conference with the godly ministers of Edinburgh, by whom he was "weill informed of the estat both of kirk and countrie. . . . The Duke [Lennox] and Arran, forseing that Bothwell might be moved by the perswasioun of his ladie to favour the Dowglasses, used all the meanes they could to sow discord betuixt them, by raising slanders upon her."[3] This device was typical of the gentlemanly tactics of the men whom the King delighted to honour.

James had now entered upon the long struggle between Crown and Kirk with which so much of the history of his reign is filled. He had also to maintain, in Mr. Lang's phrase, "a perilous equilibrium" between the Presbyterian preachers with their noble backers, and the Catholic earls or Popish Lords at home; and between Elizabeth and the Catholic Powers abroad. There was, too, the complication of Queen Mary in her English prison, and whether her son should help her or abandon her to her fate. The fear of losing the succession to the English crown, the

[1] Moysie's *Memoirs*, p. 12. Edinburgh: 1830.
[2] *Ibid.*, p. 37.
[3] Calderwood's *History of the Kirk*, iii. 634–5.

dominating motive of his early life, and the pension enjoyed by him from Elizabeth in consideration of winking at his mother's murder, solved *that* problem.

Among such shifting and precarious currents did Bothwell—the stormy petrel of Scots politics—wing his irresponsible flight. None ever knew on whose side he really was, and the probability is that he fought always for his own hand. James, during his reign in Scotland, was of course a trump card: whichever party held the King won the trick—though not necessarily the rubber: hence the ceaseless attempts to gain physical possession of the much-desired monarch. In these stimulating exercises few played a bolder game than Bothwell.

> When a man has found a place in history by his personal enterprise [writes Hill Burton], we may almost always be sure to find a place for him also in the general political forces of the day. Either he works with a party in some grade high or low, or he has some great object towards which he directs the influence at his command. To this general rule Bothwell is a notable exception. There was no more policy in his violent and astounding enterprises, than in the mischievous frolics of the young men who in the present day wrench off knockers and upset policemen.[1]

Though the comparison be somewhat archaic there is truth in this remark. Recent research, however, has provided a new and startling theory of Bothwell's character, influence, and aims, which it will be interesting presently to examine.

Lennox and Arran, the virtual rulers of the realm, were not real Scots noblemen in the hereditary sense. The former was Esmé Stewart, Lord of Aubigny in Berri, son of John Stewart, and nephew of the Regent Lennox, Darnley's father; the latter was Captain James Stewart of Bothwellmuir, second son of Andrew, Lord Ochiltree, and brother-in-law of John Knox. By favour of their sovereign they were respectively created duke and earl,

[1] *History*, v. 281.

their claims to these high honours being that "they fostered him in his bawdie talke, provoked him to the pleasures of the flesh, and all kinde of licentiousnesse."[1] Lennox was a Catholic, Arran a Protestant; though neither of them was much credit to his faith. The incident known as the Raid of Ruthven in August 1582 was designed to detach James from these unworthy favourites. The King was hunting near Perth, Lennox was at Dalkeith, Arran at Kinneil. Gowrie, Mar, and others caught James at the former's castle of Ruthven, removed his guard, and held him prisoner. "Better bairns greet than bearded men," observed Glamis, when his Majesty burst into tears.[2] The Kirk abetted the raid and enjoyed a temporary triumph; but the "bairn," biding his time, brought Gowrie to the block when it came. Our Bothwell was with the Gowrie party on this occasion, and enjoyed his first experience of King-catching.

Throughout his Scottish reign James was never a free king, though it was his habit to boast himself such; he was constantly in the hands of a faction of rebellious nobles, and "sair hadden doun" by high-handed Presbyterian divines, whose vocabulary was as uncourtly as that of old employed by Hebrew prophets in rebuking the wicked kings of Israel. He was constitutionally timid. Whatever else he may have owed to Rizzio—and there were those who held that his obligation was supreme—James doubtless derived his unstable nervous system from the assassination of that subtle Italian at his mother's feet, so nigh to his own entry upon the stormy stage of Scots politics. Be that as it may, his dread of cold steel was such as to make him endure through life the discomfort of dagger-proof raiment, and cause him to lose his head at the mere flash of a naked weapon. One characteristic example of this idiosyncrasy may "with reverence" be recorded:

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[1] Calderwood, iii. 649.

[2] Spottiswoode's *History of the Church of Scotland*, ii. 290.

Upon the seventh of Januar [1591], the King comming doun the street of Edinburgh from the Tolbuith, the Duke of Lennox, accompanied with the Lord Hume, following a little space behind, pulled out their swords, and invaded the Laird of Logie. The King fled into a closse-head, and incontinent retired to a skinner's booth, where, it is said, he fyled his breeches for feare. The querrell was, that Logie, a varlett of the King's chamber, would not ishe [go out] at the Duke's command, being Chamberlane, till he was putt out by force, whereupon he upbraided the Duke. The Duke and Lord Hume were discharged the Court, but repaired again to it soone after.[1]

The incident is thus happily described by the reverend annalist: "A Tumult at the King's Backe."

As it is not my purpose to write a biography of Bothwell, of whose career an excellent account by Mr. T. F. Henderson is available,[2] I shall confine myself to his more picturesque exploits in connection with his cousin and sovereign. Their relations, as became their Royal rank, for a time continued friendly. Bothwell was young, well favoured, and dissolute—three passports to the King's good graces; and his professed religious principles commended him to the Kirk. "Nothing of importance which might serve for furthering the Lord's caus," says Calderwood, "was obteaned without his procurement." He declared before the Assembly that "he would live and dee in the reformed religioun": the Protestants were then "the largest crowd," so he wisely anticipated the philosophy of Mr. Pickwick.

In May 1583 Bothwell accompanied the King on a Royal progress. That month the exiled Lennox died abroad, and "his heart was taikin out to be sent to the King." James, recalling their old affection, was greatly grieved by his death and became the more exasperated against "the lords reformers." Eluding his godly counsellors, he secretly withdrew from Falkland to St. Andrews and the protection of the Catholic earls. Angus and

[1] Calderwood, v. 116.

[2] *Dictionary of National Biography*, xxvi. 140–145.

Bothwell with their followers, approaching to regain possession of the Sovereign, were forbidden to come near him with an armed force. They had "in quiet maner" an audience of his Majesty, who commanded them to go home. On 28th November there was in Edinburgh "an evill-favoured brawl betuixt" the Lords Bothwell and Hume, for which the former was arrested that evening as he left the Palace, "and after the King had beene hanging about his necke." He was warded in his own house for a few days, when James sent for, admonished, and forgave him. "The Ladie Arran cried to strike off his head," says Calderwood, who reports the incident.[1] The Countess was less gentle than King Jamie; though my lord her husband was restored to favour, she had not forgotten his previous disgrace.

In April 1584 the Protestant Lords, Angus, Mar, and others, made a fresh attempt to overthrow the upstart Arran. They surprised the town and castle of Stirling, and called upon their friends to join them. But this time James and Arran were not caught napping; a strong Royal force was speedily before Stirling, the castle surrendered, and the rebels fled. Gowrie was executed; and Bothwell, "being commanded to depart frome the Court by the King himself, went home to his owne hous, to Kelso." The rebel lords resolved to retire to England. "As they came by Kelso in the night, the Erle of Bothwell came furth, and conferred secreetlie with them. Thereafter, as though he had come to persue them, a counterfoote flight was made by the space of a myle, and a persute on the other side, till they were within the borders of England."[2]

Arran was now omnipotent. As Lord High Chancellor, Lieutenant-General of the realm, and Governor of the castles of Edinburgh and Stirling, he so abused his power that he became the best-hated man in Scotland. His wife, who was popularly believed to be a sorceress "and laden

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[1] *History*, iii. 759. [2] *Ibid.*, iv. 31, 33.

with the infamy of other vices," was permitted by the King to rifle the Royal wardrobe of his imprisoned mother. On the swing of the pendulum, when, in November 1585, the banished lords, backed by Elizabeth, returned from England in force, Arran fled to the Highlands and ceased to be any more a factor in Scots politics. James, with seeming "cheerfulnesse," welcomed his godly saviours, confessing he had been long abused and characteristically observing "that it was the mightie hand of God that had brought them in with so small bloodshed." [1] In this triumph of the righteous our Earl had his part. When restoring them to favour the King, "turning himself to Bothwell," thus specially addressed him: "What should have moved thee, Francis," said he, "to take this course, and come in arms against me? Did I ever [*sic*] thee any wrong? or what cause hadst thou to offend? I wish thee a more quiet spirit, and that thou mayst learn to live as a subject, otherwise thou wilt fall in trouble." [2] His Majesty's forecast, as we shall find, was accurate. For the time, however, Bothwell so behaved himself as to be appointed one of the Scots Commissioners who met their English *confrères* at Berwick in June 1586, to conclude between the countries a league offensive and defensive.[3]

In February 1587 Elizabeth bestowed upon her sister queen and captive a heavenly crown. Of the many disgraceful acts recorded of our monarchs none is more unnatural and revolting than James's refusal to do anything to save his mother's life or to avenge her murder. Her attempts to escape, he pleaded, had already prejudiced his prospects of the English succession: she must drink that which she had brewed. It is to the credit of Bothwell that he bluntly told the King that if he allowed Elizabeth to slay Mary, he deserved himself to be hanged next day. James "laughed, and said he would provide for that." [4]

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[1] Calderwood, iv. 392.
[2] Spottiswoode, ii. 333.
[3] Calderwood, iv. 587.
[4] Lang's *History of Scotland*, ii. 323.

Later, when the deed was done, Bothwell urged James to invade England, and himself refused to wear mourning for the murdered Queen, declaring that a coat of mail was, in the circumstances, the best "dule weed." But all to no purpose; James was a step nearer the coveted throne, and would do nothing to cross his luck.

In 1588 occurred an episode very typical of the courtly manners of the time and of our Earl's temper.

Upon the tenth of Julie, there fell furth a controversie betuixt Bothwell and Sir William Stewart, in the King's owne presence, where eache gave other the lee. Sir William disdainfullie bade Bothwell kisse his ——. Bothwell vowed to kisse his —— where few sould be to red [intervene]. The King went over the water; Bothwell and Huntlie stayed in the Abbey.

On the 30th the parties encountered in the High Street, and naturally came to blows. Sir William, who was a brother of Arran, pursued by his adversary down the Blackfriars Wynd, "fleeth to a hollow celler," where, turning at bay "and having his back at ye wall, ye Earle made a thruste at him with his rapier, and strake him in at the back and out at the belley, and killed him." [1] When his Majesty returned to the Palace "Bothwell stayed, as nothing affrayed for the King." It was rather the other way round. Next day, as Lord High Admiral, Bothwell was commanded to prepare to repel the threatened invasion by the Spanish Armada. The Catholic Lords, Huntly and his confederates, induced him to betray his trust. Pretending he was "to goe to the Lewes," he obtained from the King a warrant "to caus the toun of Edinburgh pay him five thowsand merks" for the purpose of the expedition. The citizens refusing, "he said he sould caus the carles of Edinburgh dryte [*exonerare ventrem*] him a thowsand

[1] Calderwood, iv. 680; Birrel's Diary in *Fragments of Scottish History*, p. 24. The fact that Bothwell was a warlock may perhaps explain this prodigious feat.

crowns, in despite of their hearts," and carried off a representative burgess to his castle of Crichton as " cautioner " or surety. " The citicens threatned to pull Bothwell out of Crichtoun by the eares, and to make his hous equall with the ground." The magistrates complained to the King, who ordered the cautioner to be released, " so Bothwell gained nothing but shame and discredit to himself." [1]

Bothwell was present when King James, in February 1589, received the " great packet " of treasonable letters from the Popish Lords to the King of Spain, intercepted and sent to him by Elizabeth. One of these, written by Bruce, Huntly's agent with Philip, to the Duke of Parma, makes mention of our Earl as follows :

> The Erle Bothwell, who is Admirall of Scotland, and als galyeart [sprightly] a lord as anie is in the countrie, albeit he make professioun of the new religioun, yitt is he extremelie desirous to assist you against England, having listed and interteanned all this sommer (under pretext to goe dantoun the Iles) some troups of men of warre, which, together with his forces ordinar, sould have joyned with yours, if they had come heere. He suffereth himself peaceablie to be guided by me, notwithstanding the diversitie of our religioun ; and hath oftin tymes said, that if the Catholicks would give him suretie to possesse, after the restitutioun of the Catholick religioun, two abbeys [Coldingham and Kelso] which he hath, that he sould be even presentlie one of ours.[2]

This testimony to the pureness of their supporter's motives must have been grateful to the godly. The inculpated lords were examined and warded in the Castle, but were presently released. Huntly prepared for his sovereign " a bankett in Jonet Flockart's hous," of which James partook " without his [h]oast," who, on a report that the town was in arms against him, was guilty of this breach of manners.

It was said of James that he was like a monkey : " If I have Jocko in my hands, I can make him bite you : if you have Jocko, you can make him bite me." The Royal

[1] Calderwood, iv. 696.

[2] *Ibid.*, v. 26.

keeper was now my Lord Chancellor, Sir John Maitland of Thirlstane, brother to Queen Mary's Secretary Lethington. In this capacity and for personal reasons he incurred the mortal enmity of Bothwell. In April a conspiracy by Huntly, Errol, Crawford, Bothwell, and Montrose to overthrow the Chancellor and capture the King collapsed at the Bridge of Dee, near Aberdeen, at sight of a Royal army ready to resist the rebel forces. The leaders gave themselves up and in May were tried by the Privy Council for high treason, with the result that they were warded in divers fortresses, the place of Bothwell's retreat being Tantallon Castle. The charges found proven against him were :

> Conveening with certan other noblemen at the Querrell [Quarry] Holes, betuixt Leith and Edinburgh ; devising and conspyring interprises tending to the alteratioun of the present state of King and countrie ; and leveing of souldiours without warrant, and molesting the countrie.[1]

Though " the ministers cry for justice " the punishment was merely nominal, the culprits being " soone after sett at libertie." Bothwell, who is described at this time as " living most dissolutelie," had an audience of his Majesty in the Palace gardens, and expressed contrition. " The King suffered him to sitt a long tyme upon his knees without anie answere," but in the end restored him to favour.

It was at Craigmillar, where Queen Mary once decided to get rid of her husband, that James, as he tells us, made up his mind to take a wife. His reasons for doing so, as set forth in " the Kingis Majesteis awne hand," are thoroughly characteristic of that remarkable monarch :

> I doubt nocht it is manifestlie knawne to all how far I wes generallie found fault with be all men for the delaying sa lang of my mariage. The ressonis wer that I wes allane, without fader or moder, bruthir or suster, king of this realme and air appeirand of England. This my naikatnes maid me to be waik and my inemyis stark ; ane man wes as

[1] Calderwood, v. 57.

na man, and the want of hoip of successioun bread disdayne; yea, my lang delay bred in the breistis of mony a grite jealosie of my inhabilitie, as gif I wer a barrane stok. Thir ressonis, and innumerable otheris hourly objected, moved me to hasten the treaty of my mariage; for as to my awne nature, God is my witnes I could have abstenit langair nor [than] the weill of my patrie could have permitted.[1]

"The youth of James had been continent," writes Andrew Lang; "alone of the Stewarts he left, as far as our knowledge goes, no scions of amorous adventure. . . . We hear of no young ladies about his Court, and his coldness caused anxiety among his subjects." [2] In order to repel the popular aspersions on his virility, and to avoid being "unjustlie sklanderit as ane irresolute asse, quha can do nathing of himselff," his Majesty determined to espouse the Princess Anne of Denmark, a damsel of fifteen, to whom he was in due course married by proxy on 20th August 1589. As a nuptial gift he despatched a great "chengze" (chain) of gold, which he "borrowed" for the purpose from his old friend Arran, who was in the unfortunate position that "gene [if] he had refused he wald haue tint [lost] the K., and in delyuering of it he suld tyn [lose] the chengze." [3] For bringing home the bride James at first proposed that Bothwell, as Lord High Admiral, should do so at his own charges; but as that official declined to undertake the expense of the embassy, his Majesty decided to tackle the job in person. He avowed to the Council, "in grite vehemencie," that "giff thay could be gottin na other to gang, I suld ga [go] myselff allane, gif it wer bot in ane [with a single] ship." Anne must have been flattered by the hardihood of her princely wooer. So on 22nd October James set sail in quest of "the sea-king's daughter from over the sea," leaving as joint regents of the realm the young Duke of Lennox, son of the former favourite, who had succeeded his father in the Royal

[1] *Register of the Privy Council of Scotland*, iv. 427.

[2] *History of Scotland*, ii. 348. [3] Melville's *Memoirs*, p. 345.

affections, and "oure richt traist cousing and counsallour, the Erll Bothuill, oure admirall." [1]

For six months Scotland was bereft of the inestimable blessing of her Sovereign's presence; not till 1st May 1590 did their Majesties land safely at Leith. In the grand ceremonies of the Queen's reception and coronation, and in the pageantry expressive of the national joy at the good King's return, Bothwell played his part. He could do so with a clear conscience, for had he not twice confessed to and been absolved by the Protestant pontiffs, Bruce and Rollock, making on 9th November public repentance both in the Great and in the Little Kirk of his dissolute and licentious life? "But he mocked God and his people, as was seene after; for the same night he ravished the Erle of Gowrie's daughter out of Dirleton, and likewise mett with the northland conspiratours conveened in Kincairdin"; [2] from which it would seem that the Earl's conversion was but skin deep.

January 1591 was an important month for Bothwell, who bulked more largely than ever in the public eye. He began it by abducting a material witness in the divorce case which the Laird of Craigmillar was raising against his wife for misconduct with the Laird of Niddrie. The witness, who for safe custody had been lodged in the Tolbooth, was forcibly seized by Bothwell—being, as appears, a partisan of the peccant dame—while the King was actually sitting in judgment there with the Lords of Session, and taken to Crichton Castle, "where he threatned him with the gallous." [3] Many other enormities were committed by him at this time, says the annalist, "as if there had beene no king in Israell, so contemptible was the king's authoritie, and that through his owne default, wanting due care and courage to minister justice." It is even recorded that Bothwell pronounced Calvin's *Institutions* "a childish worke," and mocked the devout women of

[1] Melville's *Memoirs*, p. 429. [2] Calderwood, v. 68. [3] *Ibid.*, p. 117.

Edinburgh, calling them " The Holie Sisters." These were but minor backslidings ; graver matters were laid to his charge.

For the text of the discourse of which he is to be the subject let us take the following passage from Moysie :

[1590] Great inquisitioun at this tyme for witches. Lykas Barbara Neapper and Evphane M'Kallian and Agnes Sampson, wemen of guid reputatioun afoir, wer teane as witches, with sundrie utheris baithe men and weemen. Sampsoun wes brunt, and died weill ; the rest wes keipit. Amangis the rest, ane Ritchie Grahame accusit of witchcraft confest many poyntis, and declaired *that the erle of Bothuell wes ane treffecker with him and utheris anent the conspyring of the Kingis dead* [death]. Quhairvpone the erle Bothuell, being send for and accusit, being ane great poynt of treasoun, wes committed to waird within the castle of Edinburgh, and werie straitlie keipt.[1]

Of the diabolic conventicle holden within the Kirk of North Berwick in Lothian, the purpose of which was the destruction of James and his bride by witchcraft, I have elsewhere given some account.[2] The facts are, briefly, as follows. Geillis Duncan, maidservant to one David Seaton, bailie of Tranent, being by her neighbours vehemently suspected of sorcery, was in accordance with the pleasant custom of the time duly tormented with the torture of the " pilliwinkes " (thumbscrews) and by " wrinching " of her head with a rope. The Devil's mark was found " in her fore craig " (the front of her throat), which was deemed conclusive evidence of her guilt ; she was committed to the Tolbooth, and presently denounced as notorious witches divers persons, chiefly women, whom she alleged to have been associated with her in sundry Satanic observances. It is singular that the Prince of Darkness, with his unlimited opportunities of selection, should as a rule have recruited his female choir from the hag-like, the

[1] *Memoirs*, p. 85.

[2] " The Witches of North Berwick," *Juridical Review*, vol. xxv. No. 2, 1913 ; reprinted in *The Riddle of the Ruthvens and Other Studies*, pp. 201–227. Edinburgh : 1919.

venerable, and the indigent of their sex, but such would seem to have been his usual practice. An attractive, healthy young *diablesse* of good family is seldom met with among his professed disciples. In this business of North Berwick, however, the parties were, socially and intellectually, markedly superior to the common variety of witch. The principal persons implicated were three women and three men: Agnes Sampson, Euphame MacCalzean, and Barbara Napier; John Cuningham, otherwise named Doctor Fian, Richard Graham, and—Francis Stewart, Earl of Bothwell!

Of the ladies, Archbishop Spottiswoode observes, Agnes, "commonly called the Wise Wife of Keith," was the most remarkable: "a woman not of the base and ignorant sort of witches, but matron-like, grave and settled in her answers, which were all to some purpose."[1] Sir James Melville, who enjoyed the King's confidence and was present at the several examinations of the accused personally conducted by his Majesty, thus refers to the Wise Wife of Keith—which, by the way, is an East Lothian village:—

Specially ane renowned midwyf callit Anny Sampsoun, affirmed that sche, in company with nyn vther witches, being convenit in the nycht besyd Prestounpannes, the Deuell ther maister being present standing in the midis of them; ther a body of wax schaipen and maid be the said Anny Sampsoun, wrappit within a lynnyng claith, was first delyuerit to the Deuell; quhilk efter he had pronuncit his verde, delyuerit the said pictour to Anny Sampsoun, and sche to hir nyxt marrow [companion], and sa euery ane round about, saying, *this is K. James the Sext, ordonit to be consumed at the instance of a noble man, Francis Erle Bodowell.* Efterwart again, at ther meting be nycht in the Kirk of Northberick, wher the Deuell, cled in a blak gown with a blak hat upon his head, preachit vnto a gret nomber of them out of the pulpit, having lyk leicht candelis rond about him. The effect of his langage was till knaw what skaith they had done, whow many they had won to ther oppinion sen ther last meting, what success the melting of the pictour had tane, and sic vain toyes [fancies]. And because ane auld sely pure plowman,

[1] *History*, ii. 411.

callit Grey Meill, chancit to say that " nathing ailit the King yet, God be thankit," the Deuell gaif him a great blaw. Then dyuers amang them enterit in a raisonyng, maruelling that all ther deuellerie culd do na harm to the K. as it did till others. The Deuell answerit, " Il est vn home de Dieu." And certanly he is a man of God, and dois na wrang wittingly, bot is inclynit to all godlynes, justice, and vertu, therfore God hes preserued him in the midis of many dangers.[1]

It is to be noted that the last sentence expresses merely Sir James's own views regarding the Royal character, not those of Satan, who in bearing this testimony to the Sovereign's holiness plainly " spoke sarcastic." We learn from another contemporary source that " the caus of thair assemblie was to rayse stormes in the sea, to stay Queyne Anne to cum saiflie in Scotland. This Agnes Sampson, amang dyvers articles of hir confession, grantit, *that Francis Erle Bothuell had dyvers tymes demandit of hir concerning his awin estait and warldlie succes*; also ane Richart Grayme, sorcerar, confessit the lyk." [2]

Euphame MacCalzean and Barbara Napier " were reputed for as civill honest women as anie that dwelled within the cittie of Edenbrough, before they were apprehended." [3] Both women were of gentle birth and good social position. Euphame was the only daughter and heiress of Thomas MacCalzean, Lord Cliftonhall, one of the Senators of the College of Justice, " a person," says Pitcairn, " distinguished alike for his general erudition and attainments, by the depth of his legal knowledge, and by his talents as a statesman." She is designed in her indictment as " Ewfame Makcalzane of Cliftounhall, spous to Patrik Makcalzane *alias* Moscrop." [4] Her husband was the son and heir of Mr John Moscrop, advocate, a man of some eminence in his profession. On marrying the heiress,

[1] *Memoirs*, pp. 395–6.

[2] *Historie of King James the Sext*, p. 241.

[3] " Newes from Scotland," in Pitcairn's *Criminal Trials*, vol. i. Part Second, p. 216.

[4] Pitcairn, I. ii. 247.

Patrick assumed her name. Barbara is designed in her indictment as "Barbara Naipar, spous to Archibald Douglas, burges of Edinburgh, brothir to the Laird of Carschoggill." [1] She is otherwise described as "sister to William Naper of Wright's Houses." [2]

John Cuningham or Fian (which means "fairy") is designed in his indictment as "Johnne Feane *alias* Cwinghame, last duelland in Prestoune." [3] Elsewhere he is denominated "schoolmaister at Tranent," [4] and "Master of the schoole at Saltpans in Lothian." [5] Throughout the legal proceedings he is termed in his lay capacity "the damnable Doctor," and officially, "Register and Secretar to the Devil."

Of Richard Graham, whose trial has disappeared from the Justiciary Records, we learn something from Sir James Melville, who heard the "haill depositions" of the witnesses:

Amang vther thingis, some of them schew how that ther was ane westland man, callit Riche Grame, wha had ane familier spirit; the quhilk Riche, they said, culd baith do and tell many thingis, *chiefly against the Erle Bodowell.* Wherupon the said Riche Grame was apprehendit and brocht till Edenbrough; wha being exemed before his Maieste, I being present, granted that he had ane famylier sprit that schew him sindre thingis. Bot he denyed that he was a witch, or had any frequentation with them. Bot when it was answerit to him again, how that Anny Sampsoun had declaired that he *caused the Erle Bodowell address him till hir; he granted that to be trew, and that the Erle Bodowell had knawledge of him be Effe Mackalloun and Barbery Naper, Edenbrough wemen. Wherupon he was sent for be the Erle Bodowell, wha requyred his help to cause the Kingis Maieste his maister to lyk weill of him; and to that effect he gaif the said erle some drog or herb, willing him at some convenient tym to tuiche his Maiesteis faice therwith. Quhilk being done be the said erle, and fand him not the better, he delt again with the said Riche, to get his Maiestie wracked,* as Riche allegit; wha said that he culd not do sic thingis him self, bot that a notable midwyf wha was a witche, callit Anny Sampsoun, culd bring any sic purpos till pass. This far the

[1] Pitcairn, I. ii. 242. [2] Calderwood, v. 128. [3] Pitcairn, I. ii. 209.
[4] *Historie of King James the Sext,* p. 241.
[5] "Newes from Scotland," *ut supra.*

said Riche Grame affirmed dyuers tymes before the Consaill. Nevertheles he was brunt, with the said Sampsoun and sindre other witches. This Riche allegit that it is certane of the fary folk, and that spritis may tak a fourm and be seán, bot not felt.[1]

It will be observed from the concluding words that Richard has the misfortune to differ from Sir Arthur Conan Doyle and modern exponents of the cult.

Dr. Fian was the first martyr. After trial in the Court of Justiciary on 26th December 1590, he was found guilty and sentenced to death. The record succinctly notes: "Conuict of diuers poyntis of Wichcraft, and brynt." The charges were of consorting with Satan and his satellites; having "foir-knawledge of the lek [leak] that strak up in the Quenis schip"; causing "stormie wedder" while James was on the high seas; arranging with the Devil to raise a mist "att the Kingis returning fra Denmark," with a view to casting his Majesty ashore "in Ingland"; attending the convention in North Berwick Kirk, and acting as clerk when the Devil, "in the forme of ane blak mann," preached, appropriately, "ane dewelisch sermon." [2]

Agnes Sampson was tried on 27th January 1591 upon an indictment containing no fewer than fifty-three separate charges of witchcraft. Found guilty, she was sentenced "to be tane to the Castell hill of Edinburgh, and thair bund to ane staik and wirreit [strangled] quhill [until] scho wes deid, and thaireftir hir body to be brunt in assis [ashes]," all which was duly done. The fiftieth count of her indictment relates to the "Conventioun at the Kirk of North Beruik." The Devil, "in mannis liknes," occupied the pulpit. "He had on him ane goun and ane hatt, quhilkis wer baith blak; and thay that wer assemblitt pairt stwid [stood] and pairt satt. Johnne Fiene wes ewer nerrest to the Devill, att his left elbok; Graymeill kepit the dur." [3]

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[1] *Memoirs*, pp. 396–7. [2] Pitcairn, I. ii. 210–213. [3] *Ibid.*, pp. 230–241.

The following particulars of the service are given in "Newes from Scotland":

The said Agnis Sampson confessed that the Divell, being then at North Barrick Kirke attending their comming, in the habit or likenesse of a man, and seeing that they tarried over long, hee at their comming enjoyned them all to a pennance, which was, that they should kisse his buttockes, in sign of duety to him; which being put over the pulpit bare, every one did as he had enjoyned them. And having made his ungodly exhortations, wherein *he did greatly inveigh against the King of Scotland*, he received their oathes for their good and true service towards him, and departed; which done, they returned to sea, and so home again. At which time the witches demaunded of the Divell, "*Why he did beare such hatred to the Kinge?*" Who aunswered, "*By reason the King is the greatest enemie hee hath in the world.*" All which their confessions and depositions are still extant upon record.[1]

The trial of Barbara Napier on 8th May 1591 is not fully engrossed in the record; but fortunately, owing to the subsequent prosecution to which it gave rise, particulars are otherwise available. This lady, wonderful to relate, was actually acquitted by the jury! His Majesty was properly incensed at so flagrant a miscarriage of justice, but he was equal to the occasion. On 10th May he wrote personally to the Justice-Clerk, ordering his lordship to pronounce sentence of doom against the pannel, and himself prescribing the terms of the punishment:

That scho sall be tane to the Castel-hill of the burcht of Edinburgh, and thair bund to ane staik besyde the fyre and wirreit yairat quhill scho be deid [strangled thereat until she be dead]; and yairefter hir body brunt in the said fyre, and all hir movabill guidis escheted to Our vse, as convict of the saidis crymes. As ze will ansuer to Ws vpoune zour office and obedience. Quhairanent thir presentis sall serve zow as sufficient warrand. Subscryuit with Our hand at Halyrudhous, the tent day of Maij, 1591. JAMES R.[2]

Not content with this scandalous inversion of the Royal prerogative, James had these just jurymen indicted for "manifest and Wilfull Errour committit be thame in

[1] Pitcairn, I. ii. 217. [2] *Ibid.*, p. 243.

acquitting of Barbara Naipar " ; and that there might be no mistake this time he himself presided at the diet.

And thay, being requyrit be the Justice, His Maiestie being sittand in Judgement, quhidder thay wald abyde the tryell of the law and of ane Assyse for the saidis crymes, or cum in will thairfore ? Eftir lang deliberatioun and consultatioun, they refusit to abyde the tryell of ane Assyse thairfore, bot come *simpliciter* in his Hienes will, for Ignorant errour committit be thame in acquyting of the said Barbara.[1]

In respect of this their submission his Majesty was graciously pleased to pardon them, and to assoilzie them from all penalties in body, goods, or fame. The charges of which Mrs. Barbara had been " cleansed " include attendance at a " Conventioune " held at Aitcheson's Haven, between Musselburgh and Prestonpans, after the King's return from Denmark, for the purpose of receiving from the Devil " ane pictour of walx " to be employed in " destructioune of his Hienes persoune," to which end it was afterwards " roistit " (roasted) ; together with a prescription for preparing a toad, of which the venom, dropped upon his Highness's body, would remove the Royal candlestick, " *that ane vther mycht haif rewlit* [ruled] *in his Maiesties place, and the ward* [government] *mycht haif gane to the Dewill.*" She was also alleged to have been present at the Hallowe'en party given by the Devil in North Berwick, " quhair scho danceit endlang the Kirkzaird, and Gelie Duncan playit on ane trump ; Johnne Fiene, missellit [masked], led the ring." Further, when James was at the Brig of Dee, as above narrated, " the day before the common bell rang for feir the Erll Bothwell suld haif enterit in Edinburghe," she told Richard Graham " that the King wald get skaith [hurt] be ane taid [toad] or gangrell [vagabond]." In pursuance of the Royal sentence, " when the staike was sett in the Castell Hill, with barrells, coales, heather, and powder, and the people were looking for present executioun, her friends alleged she was with

[1] Pitcairn, I. ii. 247.

child, wherupon the executioun was delayed, till that alledgance was tryed." [1] Whether or not she ultimately suffered is unrecorded.[2]

Euphame MacCalzean of Cliftonhall was tried on 9th June 1591. That a lady of her wealth and station should have been mixed up in this diablerie is only to be explained, says Pitcairn, by the fact that as a devout Catholic she detested James and the New Faith; "she was besides a zealous partisan of Bothwell, and proved herself capable of using every means which he might suggest, or which she herself perversely considered to be most calculated to advance his interests." [3] She was defended by no fewer than six advocates, by whom her case was "pleaded so subtillie" that it lasted four days. Her father-in-law, John Moscrop, was senior counsel for the defence. He must have been a broad-minded man, as the nineteenth count of her indictment charges her with attempting to destroy him by witchcraft! The bulk of the twenty-eight charges upon which she was arraigned, interesting and instructive though they be, do not now concern us; I need only mention her participation in the North Berwick consult anent "the Kingis pictour, gewin be Annie Sampsoun to the Dewill to be inchantit, for the tressonabill distructioun of the King," and "the tressonabill staying of the Quenis hamecuming be storme and wind, and rasing of storme to that effect; or ellis to haif drownit hir Maiestie and hir cumpany be coniuring of cattis [enchanting cats] and casting of thame in the see at Leith." The defence was vigorous and sustained; not till 12th June, after the chancellor (foreman) of the jury had been "chesit" (chased) from the assize and the rest had deliberated "all that nycht," was a verdict of guilty

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[1] Calderwood, v. 128.

[2] Fountainhall says that she was "convict and burnt"; Home of Godscroft, that she was "set at libertie"; but from the account of Bothwell's trial aftermentioned we can infer that she did not escape the fire.

[3] Pitcairn, I. ii. 249.

returned. The sentence pronounced thereupon was of exceptional ferocity:

For the quhilk crymes the said Justice-Depute ordanit the said Ewfame, be the mouth of Williame Gray, dempstar [the officer of Court who pronounced doom], as culpabill and giltie thairof, to be takin to the Castel-hill of Edinburghe and thair bund to ane staik and brunt in assis, *quick* [alive], to the death; and all and sindrie hir landis, heretageis, takis [leases], stedingis, roumes [estates], possessiounes, coirnis [crops], cattell, guides and geir, to be forfaltit and escheit to our Souerane Lordis vse.[1]

"The same 25 of Junii, Euphane M'Kalzen ves brunt for witchcrafte."[2] His Majesty, as residuary legatee of the deceased, bestowed her valuable property of Cliftonhall upon his youthful favourite Sir James Sandilands of Slamanno, who in the same year that he thus acquired the estate of one Lord of Session, murdered another, Lord Hallyards, in Leith Wynd, without undergoing either trial or punishment for the crime—so advantageous was it, in those stirring days, to have a friend at Court.[3]

Unfortunately, after the account of Euphame's case in the Books of Adjournal, there occurs an *hiatus* extending to five years, the Records of the High Court of Justiciary from October 1591 to May 1596 having been lost. Thus of the trial of Richard Graham we have no report, and only know that he was convicted, with the usual consequences:

[1592] The last of Februarii, Richard Grahame wes brunt at ye Crosse of Edinburghe, for vitchcrafte and sorcerey.[4]

Upon Tuisday, the last of Febuar, Richard Grahame, the great sorcerer, was wirried and burnt at the Croce of Edinburgh. *He stood hard to his former confessioun tuiching Bothwell's practise against the King.*[5]

Meantime on 15th April 1591, between the trials of

[1] Pitcairn, I. ii. 257.
[2] Birrel's *Diary*, p. 26.
[3] Arnot's *Criminal Trials*, p. 351. Edinburgh: 1785.
[4] Birrel's *Diary*, p. 27.
[5] Calderwood, v. 148.

Mmes. Sampson and Napier, my Lord Bothwell was summoned before the Lords of the Secret Council on a charge of treasonable consultation with witches concerning the King's death. Obstinately denying his guilt, he was committed to ward in the Castle for trial, and his friends and allies were forbidden to come within ten miles of his Majesty's person—not, one would think, any great deprivation. On 21st June the noble prisoner " brak waird at two houres in the morning, and escaped out of the Castell of Edinburgh with one of the captan's servants," named Gilbert Lauder ; on the 24th he was put to the horn and denounced rebel at the Cross, and all his honours and estates were forfeited.[1] The text of the Royal proclamation is preserved. It sets forth how, despite the long-suffering and great mercy of the monarch in hope of his penitency and amendment, Bothwell " hes gevin him self ower altogidder in the handis of Sathan," continuing " in all kynd of filthines, heiping tressoun vpon tressoun aganis God and his Maiestie " ; and " for the better executioun of his wickit intentioun and tressonabill conspiracie aganis his Maiesties awin persoun, had consultatioun with Nygromanceris, Witcheis, and vtheris wickit and vngodlie personis, for bereving of his Hienes lyff," all as confessed by them.[2]

Before girding up our loins further to pursue the fortunes of the Rebel Earl, let us pause for a moment to consider the remarkable and novel theory of Bothwell's connection with these Satanic ongoings to which I have already referred. Miss Margaret Alice Murray published some years ago a most intriguing article on the subject, entitled " The ' Devil ' of North Berwick," [3] which she has since incorporated in an admirable volume devoted to a study of witchcraft at large.[4] The result of her research

[1] Calderwood, v. 128, 132 ; Moysie's *Memoirs*, p. 86 ; Birrel, p. 25.

[2] Pitcairn, I. ii. 259.

[3] *Scottish Historical Review*, vol. xv. pp. 310–321. 1918.

[4] *The Witch-Cult in Western Europe*, pp. 50–59. Oxford : 1921.

establishes the fact that the main dogma of the cult was the worship of an incarnate God, known to Christian recorders as the Devil, who generally appeared to his worshippers in his natural form as a man, occasionally disguised. "Though the Devil of North Berwick, 1590, appeared in disguise, it is not only certain that he was a man but his identity can be determined." From the unusual character of the accused persons and the nature of their admissions, she believes that the man who instigated the meetings, and to whom consequently suspicion points, was Francis Stewart, Earl of Bothwell. Miss Murray argues that his father, the Lord John Stewart, was an illegitimate son of James the Fifth, whose natural children the Pope legitimised; that Queen Mary granted letters of legitimation to her half-brothers, John and James (the Regent Moray); therefore that Francis, as John's eldest and lawful son—Moray left only daughters—could claim to be the next heir-male to the Scottish, and perhaps to the English throne, should King James die without issue. That sovereign himself told his Scots Parliament in 1592 that Bothwell was an aspirant to his crown, and impolitely denounced him as a bastard—which he was not, his parentage being less open to question than that of "the son of Seignor Davie." This hypothesis, she holds, is borne out by the contemporary accounts, a conclusion in which, so far as my own reading extends, I entirely concur. It, the hypothesis, supplies a sufficient motive for the otherwise motiveless activities of "the stormy petrel." The evidence establishes Bothwell's intimate association with the witches; and once the clue to the identity of the "Devil" is furnished, the matter seems clear enough. Much of Miss Murray's argument is based upon the behaviour of Dr. Fian after his conviction. He implicated Bothwell in the confession which he made for fear of torture or in hope of pardon; but having been visited in the Tolbooth by the "Devil," recanted and denied all that he had before confessed; he broke prison by the "Devil's"

assistance, was retaken, and though abominably tortured with Chinese ingenuity, died faithful to his infernal Master. Miss Murray notes it as significant that his confession does not appear on the record.[1] It is satisfactory to find this theory endorsed by the author of *Mr Kello*—that most excellent of witch-tales—who observes :

> There is little doubt that in Scotland John Fian, head of the Berwickshire [? Lothian] witches, died in horrible agony to preserve the life of the Grand Master, the Earl of Bothwell. The personal excitement of King James in this isolated case has been ascribed to his exaggerated sense of superstitious terror. It is no less dramatic, and probably nearer the actual facts, to suppose that he believed he could lay his hands on his arch-enemy and prove him guilty of high treason.[2]

Returning to our Earl we find him on 26th July, five nights after his escape from the Tolbooth, at supper with one Captain Masterton in Leith. The harmony of the evening was broken by the ringing of the common bell of Edinburgh, " to give wairning to apprehend him." Nothing dismayed, " he came to the Neather Bow [where was situated the house of the Lord Chancellor], throwed doun a fourtie shilling peece, in witnesse that he provoked the Chanceller to come and take him, saying he was at his horne, not at the King's," *i.e.*, that he regarded Maitland as the real author of his wrongs. The Chancellor, fearing Bothwell, had his house guarded by soldiers, " and caused Edinburgh keepe a strait watche." On 4th August Bothwell was by proclamation at the Cross deprived of all his honours, offices, and dignities, which were bestowed upon the Duke of Lennox. On 18th October Bothwell having reappeared in Leith, " there was a great bussinesse " about catching him ; but " notwithstanding of all the haste the King made," the elusive nobleman effected his escape.

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[1] Particulars of Dr. Fian's case will be found in "Newes from Scotland" in Pitcairn, I. ii. 213–223, and in my former article, *op. cit.*

[2] *The Philosophy of Witchcraft*, by Ian Ferguson, pp. 121–2. London : 1924.

Not without loss, however; for "his best hors, called Valentine, was taikin." [1]

On 27th December Bothwell made his famous "steir in the Abbay": the attack on Holyrood Palace. The affair, as described by contemporary annalists, was designed as a companion exploit to the Raid of Ruthven.

Efter this, Francis Erle Bothuell, accumpaneit with certayne gentilmen, came to the Kingis palice at Halyruidhous, weill inarmit, at sevin howris at evin; upon this intent, as apperit, not onlie to mak the King his captive, bot Chanciller Maitland, whome he deidlie haittit. And for the better performance of his purpose, he had cawsit to be careit with him certayne great forehammers, wharewith the King and Queynis durris [doors] war stranglie strukkin at; that whither the King had sowpit [supped] in his awin chalmer apart, or with the Queyne in hir chalmer, he sould have bene led captive in thair hands. . . . Whan thay war frustrat of entrie at the King and Queynis chalmer dur, thay went last of all to the Chancillers hous [apartments], whare thay war repulsit, bayth be force of the durris and shot of muscats, that hurt sindrie of thayme. At last the courteors assemblit another way, and with stavis and uther invasive weapons, repulsit Bothuell and tuik nyne of his men, wha war all hangit on the morne on a new gallous that was erected fornent [opposite] the palice yett [gate] for that purpose.[2]

Associated with Bothwell in this return match against his Majesty were James Douglas of Spott, Archibald Douglas, son of Lord Morton, the Laird of Niddrie (who must have been grateful for the kidnapping of Craigmillar's witness), Mr. John Colville, and others, "to the number of fourtie or fiftie personis." [3] Sir James Melville was an eye-witness of the raid, as he was supping at the time in the Palace with the Duke of Lennox. The conspirators, made their entry "be the passage of ane auld stable," and so soon as they had gained the courtyard, cried, "Justice, Justice, a Bodowell, a Bodowell!" This indiscreet proceeding

[1] Calderwood. v. 138–9.

[2] *Historie of King James the Sext*, pp. 243–245.

[3] There were fifty-two conspirators, whose names are printed by Calderwood. —*History*, v. 141–2.

forewarned his Majesty and the Chancellor " to cloise and fortifie ther chamber durris, and to mak resistance vntill some relief cam out of the Canogait." His Majesty, in mortal terror, " was convoyed vp to that towr abone [above] the said chamber, efter that the dur of hir Hynes chamber had bene broken with foirhammers in dyuers partis, and that Mester Jhon Coluille had caused bring fyre to burn it vp." The door of the Chancellor's chamber was " manfully debaited be him self," supported by his men, who fired " continowally " upon the assailants till they fell back and fled. Meanwhile " my L. Duc of Lenox," says Melville, on hearing the noise of the affray drew his sword, and would have sallied forth in defence of his master.

Bot he had na company, and the plaice [being] alredy full of vnfriends, we wer compellit to fortifie the durris and staires, with burdis, fourmes, and stules, and be spectatoris of that strange hurly burly for the spaice of ane hour ; behalding with torche leicht, fourth of the Dukis gallerie, ther reilling, ther rombling with halbertis, the clakking of ther colveringis and pistolles, the duntting [knocking] of melis [mauls] and forehammers, and ther crying for justice. Now ther was a passage betwen the Chancelers chamber and my L. Ducs be a staire. During this frey the Chanceler cam vp the said staire, and desyred entre in my Lord Ducs chamber. My L. Duc, be my aduyse, willit him to cause his men debait at the nether dur sa lang as they mycht, and offerit to resave him self within his chamber ; quhilk the Chanceler tok in ane euell part, and suspected my L. Duc, and sa returnit bak again to his awen chamber and debait the best he culd, as said is. My L. Duc, sa schone [soon] as he saw company of friendis within the close [court], past fourth to persew the Erle Bodowell and his company ; bot the nycht was dark, and they took them spedely to ther horse and eschaiped.[1]

When all danger was past his Majesty came down from the turret and discoursed with Sir James " a gud space of this terrible attemptat, and of his many hard fortunes." Melville bluntly pointed out the chief cause of such abuses, " and how that many of them mycht haue bene eschewed and prevenit be a prudent and cairfull gouernement,"

[1] *Memoirs*, pp. 399–400.

which must have been for the monarch unpalatable hearing. Next day, 28th December, having seen the nine prisoners handsel the new "gallous," King James attended in St. Giles Church a thanksgiving service for his deliverance. After sermon, his Majesty, in his familiar way, addressed the congregation, relating "what benefites he had bestowed upon Bothwell from the beginning, and how ungrate he was of late in seeking his life by poysoun, witchecraft, and now at last directlie." [1]

The new year, 1592, began with divers attempts to take order with the Rebel Earl. On 10th January a proclamation, penned by the King himself, was made at the Cross "tuiching the apprehensioun of the Erle of Bothwell, and promises made to anie that would kill him"; and on the 13th, upon a rumour that he was in the neighbourhood, James with a troop of horse rode eastward to secure him. His Majesty, who was but an indifferent horseman, fell off during the heat of the chase, and "had almost beene drowned in a poole of water, if he had not beene rescued and pulled furth by the necke by a yeaman, where the courteours durst not venture." [2] On the 20th "word come that the erle of Bothuel with a great cumpany wes in the west pairtes, myndit to pas to Spayne. The diuk of Lennox and the erle of Huntlie war sent with commissioun to tak the said erle; he narovly escapit thair handis and past to Buit [Bute], or sum vther ile therabout." After ten days, "vpon a chack," they returned to Edinburgh, bringing with them as prisoner only the Sheriff of Bute.[3] Huntly, in the following month, was to execute more efficiently another Royal commission: the murder of the "Bonnie" Earl of Moray as an abettor of Bothwell. His concurrence in this dastardly deed caused the fall of Chancellor Maitland. James meanwhile rode hither and thither in search of his errant kinsman, now to Glasgow, now to Broughty, but never with success.

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[1] Calderwood, v. 142. [2] *Ibid.*, p. 144. [3] Moysie's *Memoirs*, p. 88.

About this time Bothwell "caused cast in privatlie to the ministers of Edinburgh," who were properly scandalised at the ongoings of their singular disciple, a letter refuting the calumnies of which he was the victim.[1] In addressing their "godlie Wisdoms" he confines his defence to the two main charges brought against him: dealing with strangers to overthrow the true religion, and consulting with witches "for destrucioun of His Majestie, my Soverane." As to the first, his coquettings with the King of Spain and the Popish Lords were occasioned by his desire "to revenge the death of the Queene, my Soverane's mother, of good memorie"; for the second, the improbability of the crime "he leaves to everie discreit man's consideratioun." The accusations proceeded from "deboshed and infamous persons, and poore beggars," who, having been promptly burnt, were no longer in a position to testify; only Richard Graham remained alive to bear false witness, and he "hath a warrant of his life" for doing so. Bothwell is assured that if Richard were "ather tortured or executed, he sould confesse his errour"—but here at least his lordship is mistaken: Richard, as we have seen, died "hard," denouncing Bothwell. All his troubles, he maintained, were due to the enmity of the Chancellor, who esteemed his downfall "sould have made him elbow-roome, and given an occasioun to a puddock-stoole of a night to occupie the place of two ancient cedars," *i.e.* Bothwell and Lord Hume.

At the opening of Parliament on 29th May his Majesty "had ane harangue," wherein he charged Bothwell with seeking to destroy him "first by witchecraft, both when he [James] was in Denmarke and when he was at home, as the depositiouns of the witches would testifie, *that he* [Bothwell] *might succeed to the crowne*; nixt by violence, beating at his chamber-doores with hammers."[2] On 4th May the Earl and Countess of Bothwell had been found guilty by the Court of Justiciary upon a Summons of

[1] Calderwood, v. 150–156.

[2] *Ibid.*, p. 160.

Treason, and all their lands and goods "confiscat to our Souerane Lord"; and on 5th June Bothwell's conviction, sentence, and doom of forfeiture were ratified by Parliament.[1] But James was not done with him yet.

In the moneth of Junii [the 27th], Frances Erle Bothuell, understanding the King to be at quyetnes in Falkland [Palace] be the secret advertisement of certayne courteours, and that Chanciller Maitland was in previtie at Lethingtoun; and tharfore geve [if] he pleasit to cum with any sufficient nomber of men, he wald find the King at his awin pleasure, ather to grant him pardon perforce, or els to leid him [James] captive whare he list; whareunto Bothuell gave sa great credeit that incontinent he assemblit a great nomber of suspect men of the bordors of Annandaill and Liddisdaill, with sum Inglishmen of that same stamp, upon the water of Esk, and raid from thence to Falkland, whare Patrick Maister of Gray, and the laird of Balwearie met him, with a reasonable nomber of inarmit horsemen. Bot when thay came to the Kings palice thay fand not sic [un]reddenes as was supponit, bot be the contrare certayne people provydit to resist, sa that Bothuell was repulsit, and he to his perpetuall ignominie fled away with shaymefull dreador; and before thay departit, thay spulyeit [despoiled] the Kings stable, and reft many horsis, bayth out of the toun of Falkland, as also furth of the park.[2]

The Raid of Falkland, though it degenerated into a mere affair of horse-stealing, must further have perturbed the good King. The rebels went south by Stirling bridge; they had been without meat or sleep for two days and two nights; many were taken in the muirs of Calder and Carnwath, many horses were found straying in the fields, the riders being overcome with sleep and fallen from them. Bothwell himself fled into the west borders.[3] We shall hear of him again.

A touch of colour is given to our rather sombre narrative by the adventure of the Laird of Logie, whom we have already met. This young man, James Wemyss, was on 9th August arrested on suspicion of a design to let Bothwell and his accomplices in at the back gate of Dalkeith Palace,

[1] Pitcairn, I. ii. 274.
[2] *Historie of King James the Sext*, p. 250.
[3] Spottiswoode, ii. 422.

where the Court was then in residence, to the end they should have "gottin the King in thair handis." Fortunately for the prisoner, whom his Majesty had committed to the Captain of the Guard with instructions that he be brought to trial "and execut to the dead," there was also in the Palace a *femme de chambre* of the Queen's, named Margaret Twynstoun, "to whome this gentilman, Weymes of Logye, bure great honest affectioun, tending to the godlie band of mariage." This damsel, "having privelege to ly in the Queynis chalmer that same verie night of his accusatioun, whare the King was also reposing," went privily to the Guard and commanded them to bring their prisoner to the King, who desired to speak with him, "whareunto thay geving sure credence, obeyit."

But howsone she was cum bak to the chalmer dur, she desyrit the watches to stay till he sould cum furth agayne; and so she closit the dur, and convoyit the gentilman to a windo, whare she ministrat a lang corde unto him to convoy himself doun upon, and sa be hir gude cheritable help he happelie escapit be the subteltie of loove.[1]

Another authority gives further particulars of this romantic rescue:

The same nycht that he wes examinat he escapit out be the meanis of a gentlevoman quhom he loved, a Dence [Dane], quho conuoyed him out of his keiperis handis throw the Queinis chalmer, quhaire his Majestie and the Queine wer lyand in thair beddis, till [to] a wyndow in the backsyde of the plaice, quhair he gead [went] doun vpone a tow [rope]; and schot thrie pistoletis in takin of his onlovping [mounting], quhaire sum of his seruandis with the laird of Nithrie wer awating him.[2]

It is pleasant to read that the lovers "maried efterwart," and by the good offices of the Queen were restored to the Royal favour.[3]

The year closed with a scandal in the Kirk. The Rev. Mr. Bruce, then the leader of the Presbyterians, preaching

[1] *Historie of King James the Sext*, p. 254. [2] Moysie's *Memoirs*, p. 95.

[3] The incident is enshrined in a ballad, "The Laird o' Logie,"—see Scott's *Border Minstrelsy*, and the collections of Professor Child.

on 10th December, described his Majesty as being "envirroned with leers [liars]," because it was said at Court that he (Bruce) "*had conspired to take the crowne off the King's head, and putt it on Bothwell's.*" The Master of Gray had been trying to arrange a meeting with Bothwell, "to gett him the King's favour"; but Bothwell, "fearing his treacherie," failed to keep tryst. The godly urged the trial of Bruce, "for purgatioun"; but the King "would have the matter buried." [1]

At the Parliament holden in July 1593 Bothwell was tried, *in absentia*, by a Committee, "The Lords of the Articles," for his invasion of the Palaces of Holyroodhouse and Falkland, and was declared traitor to the King and realm; and "hes armoreis revin [coat-of-arms torn by the heralds] at the mercat croce of Edinburgh, in the presens of the people thair assemblit." [2] This ought to have been the end of Bothwell, who thenceforth ceased to be any more a member of the body politic and became, officially, non-existent. But that irrepressible peer refused thus to be extinguished.

The 24 of Julii, at 8 hours in the morneing, the earle of Bothuell, the laird of Spott, Mr Villiam Leslie, and Mr Jon Colvill came into the King's chalmer weill provydit with pistol. This Earle and hes complices came not yis way provydit with pistollis and draun suordis to harme the King's Maiestie aney wayis, bot because he could not get presence of his Maiestie nor speich of him. . . . Sua they came in into hes Maiestie's chalmer, resolving yameselues not to be haldin back till they sould haue spoken vith him; and sua after yai came in, *hes Maiestie wes coming frae ye backstair and his breiks in hes hand, in ane feir.* Howbeit he needit not. Ye forsaid Bothuell and hes complices fell upone yair knies and beggit mercie at his Maiestie; and his Maiestie being wyse, merciful, a noble Prince of grate pitie, not desyrous of bluid, grantit yame mercie and receivit yame in hes favour; and at 4 hours afternoone causit proclame yame hes frie leidges. And upone ye 27 day ye same proclamatione of ye Earll of Bothuell's peace wes renewit at ye crosse, with heralds and trumpettis sounding for joy.[3]

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[1] Calderwood, v. 190.

[2] *Historie of King James the Sext*, p. 269.

[3] Birrel's *Diary*, p. 30.

Among the many unrehearsed effects in the tragi-comedy of King James's reign none is more typical or amazing than this transformation scene, arranged by Bothwell and his company for the Royal entertainment. It had a good press : all the contemporary annalists review it favourably, but I think Birrel's notice the best. Certainly his is the most discreet ; the others give details, rather too intimate for quotation, of the circumstances in which his Majesty was surprised. The conspirators, as appears, were introduced into the Palace by Lady Gowrie, who had the family flair for making King James's flesh creep. Bothwell lodged overnight in her house " at the baksyd of the palice," from whence he was brought by her daughter, the Lady Atholl, who had the entry. We are fortunate to possess the Earl's own account of the interview, as given by him later to the Dean of Durham, Dr. Toby Matthew, who in turn communicated it to Lord Burghley :

The King comming foorth in his night gowne, thearle with his sworde drawen, suddenly presented him selfe before him and saide, " Loe, my gude bearne, ye that have geven out that I sought your life maie see it is nowe in this hande. What wronge have ye doen me ! " Wherat the King startling as all affrighte, seeking to flie into the Quenes chambre (which was kept faste against him), thearle taking him by the gowne, did faithfully promise him he should aile nothing, so he wolde heare him with patience and at large, according to justice.[1]

Calderwood records that " The King seing no other refuge, asked what they meant ? Came they to seeke his life ? lett them take it : *they would not gett his soule !* " [2] a remark which Miss Murray regards as " highly significant " : had Bothwell been merely an assassin, James would not have spoken of his soul ; but as the " Devil " of the witches, James feared his infernal power.[3] As this was, literally, a case of " needs must when the ' Devil ' drives," his Majesty promised to be merciful. The position resembled

[1] *Calendar of Border Papers*, i. 490.
[2] *History*, v. 256.
[3] *The Witch-Cult in Western Europe*, p. 59.

that of Sir Ruthven Murgatroyd in *Ruddigore*, yielding to the entreaty of his ghostly ancestors: "So pardon us—or die!" The Dean goes on to describe what followed, in Bothwell's very words:

> So they two alone withdrawing themselves to a wyndowe, capitulated a while . . . howe importunatly the King embraced him about the necke, kissed his cheeke, and as it were woed him diversly, *to disclose what her Majesties parte was in thearles attempt to take the King.* All which I assure your good lordship he uttered to me *vero vultu*, not without great dislike and disdaine of the Kinges unfaithfulnesse to her Majesty.[1]

The panic fear, the loathsome familiarities, the suspicion of Elizabeth's good faith, and the disgust of Bothwell, who, though a wizard, was a gentleman—all are perfectly in character. Meanwhile the citizens of Edinburgh, "being wairned by the knell of the commoun bell" and alarmed for the safety of their Sovereign, assembled before the Palace, which was in the hands of the Earl's party, "desiring to know his estate and will, offering to rescue him." But his Majesty, from a window, assured them that he and his kinsman were now the best of friends and bade the lieges depart in peace.[2]

My Lord Bothwell being now the King's keeper, it behoved him to have regard to his reputation, which hitherto had been somewhat blown upon by the profane; so on 26th July a Royal proclamation forbade anyone "to sklander, murmour, reproche, or bakbyte" his lordship or his "pairt-takaris."[3] The Court then removed to Falkland. The next step was that the Earl should clear himself of his evil fame as a warlock. Accordingly, on 10th August 1593, Bothwell, after a short holiday, returned to Edinburgh for his trial, which took place in the Tolbooth; the jury being the Earls of Atholl and Montrose, the Lords Livingstone, Seton, Forbes and Sinclair, the Master of Gray, and other local lairds.

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[1] *Calendar of Border Papers*, i. 491.

[2] Calderwood, v. 257.

[3] Pitcairn, I. ii. 302.

He appearde uppon pannell, and after longe reasoneinge by his men of lawe and ane hearinge made by him selfe, and after the incloseinge of thassysse, he was cleansede [acquitted].[1]

As already mentioned, the trial is not to be found in the official record; but an interesting account of "the maner of his arreignment" is extant. It was supplied by John Carey, son of Lord Hunsdon, the English Governor of Berwick, for the information of Elizabeth's ministers.[2] The proceedings began at one o'clock afternoon and lasted till ten at night. In the absence of the Lord Justice-General (Argyll), William Hart, Justice-Depute, presided, with the Lord President (afterwards Lord Dunfermline), and John Lindsay, Thomas Hambleton, and the Laird of Barnbougle, Commissioners appointed by the King. The Lord Advocate (Macgill) conducted the prosecution; three advocates appeared for the defence. The witnesses, having been "justified" in advance, were, regrettably, unproducible, and the Crown proof consisted of their depositions or dying declarations. The prosecutor chiefly relied on that of Richard Graham, to the effect that Bothwell employed his henchman, Ringan or Ninian Chirnside—the associate of Logan of Restalrig—to arrange upwards of twenty meetings between his lordship, Graham, and the other witches, of which conferences the purpose was this:

That therle Bothwell should have a poison delyvered him, made of adders skynnes, tode skynnes, and the hipomanes in the forehead of a yong fole, all whiche being joyned by there arte together, should be such a poison as, being laid where the Kinge should comme, so as yt might dropp uppon his head, yt wold be a poison of such vehemencye as should have presently cut him of. Another maner device for his destruction was this: to make his picture of waxe mingled with certen thinges, which should have consumed and melted awaye in tyme, meanyng the Kinge should consume as it did. A third mean to cut him of was: that he should be enchaunted to remayne in Denmarke, and not returne into Scotland.[3]

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[1] *Calendar of Border Papers*, i. 492.
[2] *Ibid.*, pp. 486–489.
[3] *Ibid.*, pp. 486–7.

To this evidence it was by the pannel's counsel objected that the deceased Richard, " being a man excommunicate in the churche and professing wytchcrafte, who was to be accompted an infidell," could not be accepted as a witness against a peer of the realm. The accused then offered a personal explanation: he had consulted Graham professionally in behalf of his friend Lord Angus, who had fallen sick; but notwithstanding the wise man's treatment, " the Erle of Anguishe dyed." The Lord Advocate next put in the confessions of Agnes Sampson, Euphame MacCalzean, Barbara Napier, " and other ii burned, besides other iiii that were let lose," from which it appeared that the confessants " said still they never knewe any thing by thErle Bothwell but as a noble man, neyther had they ever any conference with him as Greyme alledged." [1] For the defence, " divers honest men of Edenbroughe deposed that Richard Greyme said to theme that he must eyther accuse the Erle Bothwell falselye, or els endure such tormentes as no man were able to abyde"; and his " owne brother " deposed that the late Richard " had many tymes protested to him that he was forced to accuse thErle Bothwell for feare of maymynge with the bootes and other tortures." The proof being closed, Bothwell made an " oracion," in which he protested that his position was due to his misfortune, not his fault:

> All thes my enemyes still filling his Majesties eares against me, and I not present to answer for my self, was dryven to such distresse that without the mightie protection of God I had longe ere this perished.[2]

Providence continuing to safeguard his interests, my Lord Bothwell was acquitted.[3] James, despite the recent

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[1] This is in flat contradiction of what Sir James Melville, who heard the " haill depositions," tells us as to the witches' testimony. No mention whatever is made of Dr. Fian or his evidence.

[2] *Calendar of Border Papers*, i. 488.

[3] Though not referred to in this account of the trial, Bothwell's ancient ally, John Colville, claimed to have contributed to the happy issue. Writing to his

rapprochement, was disappointed by the result of the trial, for which he had come to town. He at once made secret arrangements to flee from Holyrood next morning "to the northern erles [Huntly and the Catholic Lords], to have put him self into there handes." But Bothwell, advised of his Majesty's intention, went down to the Abbey and "charged the King of breach of promise." James was "very angrye," but as usual came to heel.

Bothwell must have been confident that he had completely cowed his lord and master when that summer he allowed himself a much-needed holiday in the south. At Berwick he was the guest of Carey, and he visited Dean Matthew at Durham. He brought back with him to Scotland "some howndes and horses, which he thinkes as good a thinge to please the King withall as a matter of greater weight." [1] But James's princely susceptibilities were beyond soothing by "howndes"; the Defender of the Faith was not prone to forgive them that trespassed against him: he bided his time.

"The Kingis Majestie grants to the Erle Bothuell, his partakers and ayders, full remissioun of all bygane offences in assisting and furthering of his attemptatis aganis his Hienes persoun and auctoritie." [2] At a Convention of the Estates, however, held at Stirling on 7th September, James informed them "that he estemit himself captive and thrall be him [Bothwell]," and that the "remissioun" had been extorted by force and fear. It was accordingly revoked, and the noble beneficiary commanded not to "cum nearer to his Hienes than ten mylis, without his speciall licence." [3] On 20th September, by proclamation

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old friend from Edinburgh on 12th September 1594, he says: "For by me your lordship was cleared of the odious imputation of witchcraft; by me the world saw you meaned no harm to his sacred Majesty's person . . . but God only knows how far I hazarded my conscience in making black white and darkness light for your sake."—*Calendar of Hatfield MSS.*, Part iv. p. 629.

[1] *Calendar of Border Papers*, i. 481.

[2] *Historie of King James the Sext*, p. 273.

[3] *Ibid.*, p. 276.

at the Cross of Edinburgh, this prohibition was enforced "under the paine of deathe."

Of the maze of intrigues with the Atholl confederacy and with Elizabeth's agents, entered upon by Bothwell during his sojourn in the political wilderness, I lack space to tell, but must pass on to his last grand attempt to get the better of his Royal kinsman, known to history as the Raid of Leith. On Sunday, 13th March 1594, the King attended divine service in St. Giles Kirk, the sermon being "preiched" by the Rev. Robert Bruce. In the course of his address the preacher, with that engaging freedom which James permitted to his clergy, "said to hes M. yat God wald steir up ma [more] Bothuells nor [than] ane, yat wes ma enimies to him nor Boduell, if he revengit not his, and faught not Godis quarrell and batells on the papists."[1] The prophet was well inspired. On 3rd April word reached Edinburgh that Bothwell, "accumpaniet with foure hundreth valiant horsemen," had occupied Leith. The King at the time was "ludgit in Robert Gourlays ludging";[2] he "came to sermone" in the High Kirk "in the mornyng at 8 houris," and addressed the minister and congregation. "He promest to revenge Gods cause and to banische all the papists, and requystit the haill peiple to gang with him against Boduell." The response was generous and immediate. "The toun putteth on their armour; the Chanceller[3] putteth on his jacke"; and the whole available force "marchit all furth in ordor of battell the hie way towart Leyth." When Bothwell perceived the strength of the Royal levies, he withdrew southward by Restalrig Castle and village, continuing "in thair esie payce towart Waster Dudingstoun myln" by the back of Arthur's Seat,

[1] Birrel's *Diary*, p. 32.

[2] The house of Robert Gourlay in Old Bank Close, one of Edinburgh's finest examples of domestic architecture, was destroyed to make way for Melbourne Place. It was James's thrifty habit thus to billet himself upon the wealthy citizens; one such mansion so distinguished—the house of Bailie MacMorran in Riddle's Court, Lawnmarket—still survives.

[3] Maitland, recalled to co-operate against Bothwell.

and so reached Niddrie-Marischal, halting on a hill, "callit the mote of the Wowmat [Woolmet]," where they awaited the attack of the Royal army. The King's force was led by Lord Hume, the Master of Glamis, "and a nomber of gentilmen"; the rebels were divided into two bands, under Lords Bothwell and Ochiltree, the latter of whom held the hill. These Lord Hume charged and scattered.

Then Bothuell, with half of his cumpany, followit fearcelie with clamor and courage, and set upon the first cumpany wha stude in thair way, and that with sa great impetuositie and benefite of gunshot, that within short tyme thay compellit thayme to leve thair place and turne back. Homes cumpany seing that, and finding thaymeselfis unfortefeit with uther companeis, and the futmen fleying another way bewast thayme, and far from any secource, thay retirit with exceding spede. Bothuel followit be the space of a myle and mair, and chassit thayme within a half myle of the place whare the King and his cumpany stude. The futemen fled for feare to the Castell of Cragmiller. Then Bothuels trumpets sounded the retrait, upon a fayre ley feild under Cragmiller, in sight of the King and his oste, and assemblit his cumpaneis togither, and went bak in order and ease to the hill agayne; from thence to Dalkeyth, whare he remanit the best part of that nyght without interruptioun, and then departit whare he thoght maist expedient. At this conflict few war slayne, bot dyvers war tayne preasoners, and many hurt.[1]

Bothwell, whose horse fell with him, dislocated his shoulder-blade. James during the encounter bore himself with his wonted dignity and courage. He viewed the fray from a safe distance until the tide of battle flowed in his direction, when "the King's Maiestie flue himself, seeing the said chaice." Thus Birrel; Calderwood says "the King came ryding in to Edinburgh at the full gallop, with little honour." On 5th April his Majesty, reinforced, "raid out to have tane Bothuell, bot gat him not." Several of his supporters, however, including the Captain of Blackness Castle, were later "hangit for interteining"

[1] *Historie of King James the Sext*, pp. 305–6. Other accounts of the engagement will be found in Calderwood, v. 296; Birrel's *Diary*, p. 32; and Moysie's *Memoirs*, p. 114.

him. He issued proclamations to the godly, to which James on 30th September delivered a counterblast, rehearsing at large the Earl's manifold and grievous treasons.[1]

Bothwell's dynastic game was played out: the appearance of Prince Henry on the board made further attempts at checkmating futile; so our versatile adventurer, after a period of retirement in the Borders, sought refuge in England, but was compelled to quit that asylum by order of Elizabeth. Cast off by his Protestant protectress, he went North, threw in his lot with the "Papist Lords," Huntly, Angus, and Errol, and filled full the cup of his iniquities by turning Catholic. James was now constrained by the Kirk to take order with his Romish recusants, a duty which hitherto he had managed to evade. Young Argyll, with an advance force, was sent against them, and had the worst of an encounter at Glenlivet, in Banffshire, on 3rd October. The King then took the field in person; but the Royal army was not called upon to face the foe; despite their late victory the rebels offered no further resistance.

The Catholic cause thus broken, Bothwell, who on 18th February 1595 was at the King's command excommunicated by the Kirk, "depairted of the countrie, first passing to Kaitnes [Caithness] and therfra to France, lyanding at the New heawin, and fra that past to Rowane [Rouen] and Pareische."[2] His case was hopeless, "being hated of the Queen of England for his combining with the Popish Lords, excommunicated by the Church, and forsaken of his fellows."[3] One of the faithful, Francis Tennant, an Edinburgh merchant, who finally arranged for Bothwell's flight to France, was, characteristically, bribed by James to betray his friend; he pretended to agree, "bot be the contrare, how sone he came to Bothuell he immediatlie revelit the caus, and shew him what rewarde he had gotten."

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[1] Pitcairn, I. ii. 340.

[2] Moysie's *Memoirs*, p. 122.

[3] Spottiswoode, ii. 460.

So soon as James learned that his enemy was in Paris, he sent Captain Andrew Gray with letters to the King of France demanding his surrender. His most Christian Majesty replied that "becaus Bothuell was a baneist [banished] man, he could not deny him the benefite of the frie aere of France, and in sa far he besoght the King [of Scots] to excuse him." [1]

We hear of Bothwell next in Spain and afterwards in Italy, where he pitched his necromantic tent. Sandys gives us a glimpse of him in 1610: "Here a certain Calabrian, hearing that I was an Englishman, came to me, and would needs persuade me that I had insight in magick, for that Earl Bothwell was my countryman, who lives at Naples, and is in those parts famous for suspected necromancy." [2] So it seems that the "Devil" was at his old tricks. In Naples he lived for twelve years, supporting himself by casting horoscopes and performing feats of wizardry; but either trade was bad, or he proved an incapable enchanter, for he died in poverty after all.[3] "The Earl Bothwell hath been layde up all this summer in ye surgeons handes in Naples, and is paste doing any hurte, though hee want not malice." [4] The Rebel Earl died game.

. . . . . .

King James survived his meteoric kinsman many years. On Sunday, 27th March 1625, after a brief illness, in the fifty-ninth year of his age and the twenty-second of his twofold reign, as Bishop Williams tells us, "*dormivit Salomon:* Solomon slept." It is recorded, among the post-mortem appearances of the late monarch, that so exceeding thick was his skull, it could hardly be broken open with a chisel. He too, like Bothwell, had had his adventures. He played the leading part in the tragedy of

[1] *Historie of King James the Sext*, pp. 344–5.

[2] C. K. Sharpe's Prefatory Notice to Law's *Memorialls*, p. xliii. Edinburgh: 1818.

[3] Probably in 1612.—*The Complete Peerage*, ii. 240.

[4] Sir Dudley Carleton to Sir J. Digbye, 7th September 1611.

Gowrie House ; he achieved his high ambition : the double throne whose foundations were cemented with his mother's blood ; he exploded the Gunpowder Plot, hoisting the plotters with their own petard ; he was the Jupiter of those sublime Ganymedes, Carr and Villiers ; he sent Overbury to a hideous doom in the Tower, and brought great Raleigh to the block. And now for all these things he must enter into judgment. Well sang the poet Shirley, in that noblest of his lyrics :

> The glories of our blood and state
> Are shadows, not substantial things ;
> There is no armour against Fate ;
> Death lays his icy hand on kings ;
> Sceptre and crown
> Must tumble down,
> And in the dust be equal made
> With the poor crooked scythe and spade.[1]

[1] *The Contention of Ajax and Ulysses*, 1659.

CONSTANCE KENT'S CONSCIENCE:

A MID-VICTORIAN MYSTERY

CONSTANCE KENT AT SIXTEEN.

(From a reproduction in *A Mid-Victorian Pepys*, by S. M. Ellis, of the original photograph belonging to Mr Eustace E. Grubbe.)

CONSTANCE KENT'S CONSCIENCE:

A Mid-Victorian Mystery

I

The Problem

When murderers shut deeds close, this curse does seal 'em :
If none disclose 'em, they themselves reveal 'em !
This murder might have slept in tongueless brass
But for ourselves, and the world died an ass.

Cyril Tourneur : *The Revenger's Tragedy.*

IN the palmy days of the Sixties, the memory of which is preserved for us in the evergreen pages of *Punch*; when skirts were wide, minds were narrow, and whiskers did prodigiously abound ; when ladies veiled their graces in chignons and crinolines, and gentlemen, inexpressibly pegtopped, fortified their manly bosoms with barricades of beard ; when the cultured delighted in wooden woodcuts of gilt-edged table books, and the vulgar worshipped albums of painfully realistic family photographs ; when the outside of cup and platter received much attention, and due regard was had to the whitening of sepulchres, and whatever was " respectable " was right ; *enfin*, about that sincere and engaging period, there resided—to employ the appropriate contemporary term—at Road Hill House, near Trowbridge, in Wiltshire, one Mr. Samuel Saville Kent, gentleman.

Mr. Kent had been twice married. His first wife was a Miss Maryanne Windus, whom he wedded in January

1829. He was then in business in London, and lived near Finsbury Square. There were born to him three children: Thomas, Maryanne, and Elizabeth; only the girls grew up, the boy dying of convulsions. In 1833 Mr. Kent received a Government appointment as sub-inspector under the Factory Act, and the family removed to Sidmouth. In 1835 Mrs. Kent gave birth to her fourth child, a son named Edward Windus, who survived to enter the mercantile marine, and died of fever abroad in 1858. Shortly after the birth of this boy Mrs. Kent developed symptoms of insanity. She became subject to delusions; wandered aimlessly out of doors with the children, and lost her way near her own house; further (*horresco referens!*), she would tear out and destroy plates from books in her husband's library—a form of criminal lunacy, I regret to find, in some quarters condoned under the style of Grangerizing. Her mental malady growing in gravity—a knife was found concealed beneath her bed—the family doctor suggested that an alienist be called in; and as the result of their consultation Mr. Kent was advised to place his wife under restraint. To this course, however, that gentleman would by no means consent, being averse from incurring the stigma of madness in his family. If private persons would, in such circumstances, realise their public duty to safeguard their afflicted relatives, much misery and crime might be avoided, as we learn in many similar cases, from that of Major Sir Archibald Gordon Kinloch in 1795, down to that of Ronald True in 1922.

It is a singular instance of Victorian "respectability" that this unfortunate lady was during the next five years—1837–1842—encouraged to produce four more children, all of whom died within a year of their birth; and that in each of the years 1844 and 1845 she was again a mother. These, the last of her children, Constance Emilie and William Saville, survived. It had been better, for one of them at least, that they had never been born.

Mrs. Kent died in 1852, a victim of madness and maternity. As for twenty years before her death she had been wholly incapable of performing the duties of a mother —other than the mere mechanical one indicated above— Mr. Kent had engaged a Miss Mary Pratt, of Tiverton, to discharge those functions and to manage his household. In 1853 this lady was promoted to be the second Mrs. Kent. In the following year, as the result of an accident, she was prematurely delivered of a still-born child. But Mr. Kent, confident in his rôle of Dostoevsky's hero, " The Eternal Husband," was nowise discouraged by these several calamities. In 1855 Mrs. Kent gave birth to a daughter, Mary Amelia Saville, in 1856 to a son, Francis Saville, and in 1858 there was another little girl, while in 1860 the mother was expecting the arrival of yet a further addition to her well-stocked nursery ! Verily, like Mrs. Morland in *Northanger Abbey,* Mr. Kent's helpmates were " much occupied in lying-in."

When Edward, the eldest son of the first marriage, returned from sea to find the governess installed in his dead mother's room, he expressed strong resentment, quarrelled with his father, and left home for good.

In 1855 the family removed from Baynton House, Wilts, where they had been living for the last three years, to Road Hill House in the same shire. In July of the following year, Constance, being then thirteen, and William, aged eleven, fled from their father's house. They were home for the holidays, Mr. Kent was absent on business, and the day before his return the children disappeared. Much alarm was caused and fruitless search made, but next morning it was learned that the fugitives were in safe-custody at Bath, and a manservant was sent to bring them back. What had happened was this : after lunch, on the day of the adventure, Constance went to a disused closet in the shrubbery, where she had already secreted certain old clothes of her brother's ; into these she changed, and

cut off her hair,[1] which, together with her discarded dress, she thrust into the vault of the closet, whence they were afterwards recovered. Taking the little boy by the hand, she then set off to walk to Bath, ten miles distant, where the pair that evening presented themselves at the Greyhound Hotel and asked for beds. It reminds one of Dickens's small couple in "The Holly Tree Inn." The unusual appearance of the travellers aroused the landlady's suspicions; but she could get nothing out of Constance, whose manner is described as self-possessed and insolent. William, by reason of his tenderer years and less Spartan qualities, proved more amenable to cross-examination: he broke down, wept, confessed, and was comfortably put to bed. As his sister continued recalcitrant, she was handed over to the authorities and spent the night in the police-station. Even in the dread shadow of the law, so terrifying to the childish mind, Constance maintained a dogged silence; neither kindness nor scolding made any impression upon her hard composure. Nor, on regaining the paternal roof, could she be brought to admit the least regret for her behaviour. The only light she would vouchsafe regarding her escapade was, that "she wished to be independent" and meant to make for Bristol, with a view to leaving England. The force of character and fixity of purpose thus exhibited by a child so young are truly remarkable, and of these traits, as we shall see, she was afterwards to furnish further and more startling proof.

Beyond the advent of the customary little stranger, nothing noteworthy occurred for the next few years in Mr. Kent's family. On the night of Friday, 29th June 1860, the household consisted of the following persons: Mr. Kent and his wife, the three surviving daughters and one son of his first marriage, the three children of his second,

[1] I do not remember to have seen the point noted, but I think there is little doubt that Dickens had this incident in mind when describing in *Edwin Drood* the similar action of Helena Landless. Wilkie Collins, as we shall find, used some later features of the case for *The Moonstone*.

and three female servants: nurse, housemaid, and cook. These all slept in the house. Three male servants: coachman, gardener, and pantry-boy: presumably for fair propriety's sake, were lodged in the outbuildings.

And here it were well that the reader consult the accompanying plan of the premises. The house, a handsome and commodious mansion of three storeys, stood in its own grounds, at a genteel remove from the public road. On the left of the entrance hall was the library, with behind it, the drawing-room; on the right the dining-room, which formed a wing by itself, having no building above. Beyond the hall were the domestic offices. On the first floor, above the library, was the connubial chamber of Mr. and Mrs. Kent, with a dressing-room communicating. Their eldest child lay in her parents' room. In the nursery, over the hall, slept the nurse, Elizabeth Gough, with the younger girl in a crib beside her bed, and the little boy, four-year-old Francis Saville, in a cot on the other side of the room. On the second floor, three rooms to the front were respectively assigned to the two eldest girls, to Constance, and to the cook and housemaid. The boy, William, slept in a room to the back. Thus the first family were relegated to the second floor, while the second occupied the first.

One by one the several members of the household, in the language of the day, retired to rest. The master was always the last to go to bed; it was his habit to perambulate the premises with a dark-lantern to see that the doors and windows were properly secured. After performing his customary round and finding that all was well, Mr. Kent joined his spouse above-stairs, and silence fell upon the sleeping circle.

At five o'clock next morning, Saturday 30th June, the nurse, Elizabeth Gough, awoke. The sun was shining into the room, and she could see the little girl beside her, still sound asleep. Raising herself in bed, she looked across the room at the boy's cot: it was empty. The child had been given medicine the night before; she assumed that

he had been restless and that his mother had taken him into her own room. Elizabeth herself was very tired ; she had had a hard day's house-cleaning on the Friday—the establishment was obviously under-staffed, and there was constant trouble with servants—so she lay down again and fell asleep forthwith. On waking the second time, at half-past six she rose and went over to the cot. The bedclothes were neatly folded back ; nothing else was displaced or disarranged. She went at once across the landing and knocked twice at her mistress's door, but getting no response returned to the nursery. She then dressed herself and the little girl, said her prayers, read a chapter in her Bible, and went again to call Mrs. Kent. This time she was bidden to come in. " Please, ma'am," said she, " have you got Master Saville ? He is not in his cot." " No ; we have not got him," cried the mother ; " where is he ? " Where, indeed ! Gough ran upstairs to ask the two eldest girls whether they knew, and Constance, nearly dressed, opened her door to see what was the matter. It now appeared that the housemaid, Sarah Cox, who the night before had locked the door and fastened the windows and shutters of the drawing-room as usual, had that morning found the door ajar, the shutters open, and the window slightly raised. Surely someone must have thus entered the house and carried off the child, doubtless for purposes of ransom. Mr. Kent ordered his carriage and drove to Trowbridge to inform the police.

Meanwhile the news that the little boy was missing spread to the village, and many of the neighbours volunteered to assist in the search. Among them one Benger, with a man named Nutt, beating the grounds, came to the disused closet in the shrubbery, once, as we have seen, the base of Constance Kent's early operations. Looking in, he noticed a pool of blood upon the floor ; and lifting the lid, saw wrapped in a blanket the dead child, his head practically severed from his body. They carried him into the house, and the news was broken to the bereaved mother.

Mr. Peacock, the rector of the parish, then set out for Trowbridge to tell the father what had happened; he met him on his way back and gave him the dread intelligence. Soon afterwards Superintendent Foley, of the Trowbridge division, accompanied by several officers, arrived on the scene, and the house was taken possession of by the police.

On Monday, 2nd July, the inquest was opened before Mr. Coroner Sylvester in the Red Lion Inn at Road. Mr. Rodway, solicitor, Trowbridge, watched the proceedings on behalf of Mr. Kent. The body having been viewed, divers witnesses were examined. Sarah Cox, the housemaid, told how she fastened the drawing-room window on the Friday night and found it open next morning. There were no marks of blood or footprints in the room, and the furniture was undisturbed. Mr. Kent was the last to go to bed that night; it was his habit so to sit up. Elizabeth Gough spoke to putting the child to bed and waking to find him gone. She thought that Mrs. Kent, hearing him cry, had taken him. He was a very heavy sleeper and had been up the whole day. Thomas Benger, farmer, said that, learning that the boy was missing, he and Nutt searched the grounds and found the body in the closet.

> The child was lying on the splashboard. It had only its little night-dress on and a flannel waistcoat. Its throat was cut, but it looked pleasant and its eyes were shut. He carried it into the kitchen, and then the family came to look at it. If it had not been for the splashboard, the body would have fallen down into the vault.[1]

William Nutt, shoemaker, corroborated. Stephen Millet, butcher, produced a piece of the *Times* newspaper, stained with blood, which he had found outside the closet. The quantity of blood in the closet amounted to about three half-pints. He then gave his professional opinion as to the manner of the slaying. Superintendent Foley produced a piece of flannel, found by him in the closet. No blood-stains had been discovered in any other part of the house

[1] *The Great Crime of 1860*, by J. W. Stapleton, surgeon, Trowbridge, p. 122. London: 1861.

or grounds. Joshua Parsons, surgeon, Beckington, who had examined the body, deposed as follows :—

Deceased had two small cuts on his left hand, from which no blood had flowed ; the throat was cut to the bone by some sharp instrument—a single clean cut, without being jagged ; it severed the skin, all the blood-vessels, and the nerves. He afterwards found a stab, evidently made with a sharp, long, strong instrument, which cut through the flannel shirt, entered the body below the pericardium, and extended three-quarters of the width of the chest. It was in his judgment inflicted by a pointed instrument : *it could not have been done by a razor.* The internal parts were healthy ; the child had evidently not been drugged. He believed the child had been dead at least five hours. His opinion was, that so large a quantity of blood was not accounted for as was likely to be produced by cutting the throat of a child so large and well developed as the deceased.[1]

Here the Coroner proposed to close the evidence, but the jury said they wished to have the two younger children of the first marriage examined. The Coroner thought that to do so would inflict unnecessary pain on the family, but yielded the point, provided that, to spare the feelings of those concerned, the examination should take place at their own home. An adjournment was accordingly made to Road Hill House, where the two children were severally examined.

Constance Emilie Kent, sworn, said : I am sixteen years of age, and am sister to the deceased. I knew nothing whatever of his death until he was found. I retired to bed about half-past 10 o'clock on Friday night last. I did not hear anything during the night. I slept soundly. It was between 8 and 9 o'clock on Saturday morning when I first heard anything about the occurrence. I arose about half-past 6 in the morning. I did not leave my bed or hear any noise or anything unusual until then. I know nothing whatever of the murder. I know of no particular disagreement in the house between the members of the family. I found the nursemaid generally quiet and attentive, and perform her duties in every respect as could be wished.

William Saville Kent, sworn, said : I am fourteen years of age, and brother to deceased. I retired to bed on Friday night at half-past 10 o'clock. I slept all night soundly and got up at 7 o'clock the following

[1] *The Great Crime of 1860*, p. 123.

morning. I did not hear of this circumstance till I was coming out of my room. I did not get out of my bed at all during the night of Friday. I did not sleep on the same floor as the deceased, but on the floor above. I knew nothing nor heard anything of this circumstance till the morning—I wish I had. The deceased was a great favourite with all. I have always found the nursemaid very kind and attentive. I know nothing whatever of the murder. I do not sleep with my bedroom door locked; but I did lock it last night from fear.[1]

On the resumption of the sitting the Coroner summed up the evidence, remarking that it was the most mysterious and atrocious crime of which he had ever heard. The cause of death was apparent, but the mystery lay in the motive that could have induced the perpetrator of the deed to murder this young child. He suggested that some person or persons, having malicious feelings towards some of the family, might have secreted themselves in the house for the purpose of wreaking their vengeance. It would have been a satisfaction to have traced this crime to the perpetrator; but as they could not do that, they would return as their verdict that the murder was wilfully committed by some person or persons unknown.

A Juryman: There is a strong suspicion on my mind, for it is clear no one could have got into the house from the outside.

The Coroner: Whatever suspicion you may have in your mind must not influence you in giving your verdict. You must remember that suspicion is not proof. We have no direct evidence before us whatever.[2]

The jury then returned an open verdict, and were thereupon discharged.

II

Guesswork

"The fact is, we have all been a good deal puzzled because the affair *is* so simple, and yet baffles us altogether."

"Perhaps it is the very simplicity of the thing which put you at fault," said my friend. Edgar Allan Poe: *The Purloined Letter.*

The suspicions of the jury that the murderer was to be sought for within the four walls of Road Hill House were

[1] *The Road Murder: a Complete Report and Analysis*, by a Barrister-at-Law, p. 7. London: 1860.

[2] *Ibid.*, p. 8.

shared by the police and by the public, though naturally not by the family, who from the first stoutly maintained that a strange hand had done the deed.

> The medical man, who had been examined and who had resumed his seat [writes Mr. Stapleton in his account of the inquest], afterwards made a voluntary statement, attested by no valid reason and unsupported by any sufficient explanation, that from certain appearances which he had observed (but which he had not even mentioned at the post-mortem examination) it struck him that the child might have been partially suffocated.

This theory was later disproved: the discolouration of the mouth being due to post-mortem hypostasis; but the pathological spark was sufficient to kindle into a blaze the heap of doubts and difficulties accumulating about the case. Wellnigh every inmate of the house that night was at one time or another the object of popular denunciation, and the Press, instead of guiding or restraining the flood of wild surmises and extravagant suggestions, did all in its power to promote the deluge by which the hapless family was finally overwhelmed.

Elizabeth Gough, the nurse, was the first victim. She was a good-looking girl of three-and-twenty, who had been ten months in Mr. Kent's employment. Her parentage was respectable, and she enjoyed a perfectly blameless record. But there were in her statement certain points of singularity on which the public attention was not slow to fasten. How came it that a stranger could enter and leave her room in the night, open and close the creaking door, and remove the child in its blanket, all without disturbing her repose? Why, when she wakened at 5 a.m. and missed the child, did she not instantly raise an alarm, instead of going to sleep again? Why, when re-awakening at 6.30, did she not then rouse the house, instead of giving an inaudible tap on her mistress's door and spending another hour in her physical and spiritual ablutions? This scepticism, in the light of the medical hint, assumed a darker hue. The girl, plainly, had a lover, who visited her

on the fatal night; the little boy was wakened and had seen those things which he ought not to have seen; he was old enough to tell tales and must at all costs be silenced; so he was promptly smothered and taken to the closet, where the wounds were inflicted in order to conceal the true cause of death. Who, then, was this sanguinary Romeo? Horrible to relate, it was broadly whispered that the child's own father was the culprit. One would have thought that his affections were shown to be otherwise sufficiently and legitimately engaged; but it speaks volumes for middle-class mid-Victorian morals that this view was at once accepted as affording a natural explanation of the tragedy. The more charitable considered that Mr. Kent, having discovered that he was not the father of the child, had sought to wash out in blood the stain upon his honour. But these were the minority: "the paramour-surprised" theory held the field.

The authorities in London were by no means satisfied with the handling of the case by the local police, and on 14th July Inspector Whicher, of Scotland Yard, descended from the Metropolitan machine to take charge of the inquiry. On the 16th he privately informed the magistrates that he suspected the crime to have been the act of Constance Kent. By the 20th he had so far strengthened his case against her as to apply for a warrant for her arrest, which was granted, and Constance was committed to Devizes gaol. On the 27th she was brought before the Road magistrates, charged with the murder of her brother.

> When this young lady entered the room she hastened to meet her father, and affectionately kissed him. She wore deep mourning, and appeared to be much afflicted, but perfectly quiet and composed.[1]

Another contemporary reporter notes:

> She looks to be about eighteen years of age, though it is said she is only sixteen. She is rather tall and stout, with a full face, which was much flushed, and a dimpled forehead, apparently somewhat contracted.

[1] *The Great Crime of 1860*, p. 125.

Her eye is peculiar, being very small and deep set in her head, which perhaps leaves rather an unfavourable opinion on the mind. In other respects there is nothing unprepossessing in her appearance. The young lady wore a black silk dress and mantle, trimmed with crape, and kept her veil down throughout the proceedings.[1]

The prosecution was represented by Captain Meredith, chief constable of the county, Inspector Whicher, and Superintendent Foley; Mr. (afterwards Sir Peter) Edlin appeared for the prisoner. The first witness was Elizabeth Gough, who repeated the evidence given by her at the inquest. Cross-examined by Mr. Edlin, she never heard the prisoner say anything unkind about the little boy or behave otherwise than kindly to him. She saw her playing with him the day before the murder. She did not miss the blanket from the cot until it was brought in with the dead body. William Nutt described in greater detail the finding of the body in the closet. In cross-examination, he said that he had "predicted" they would find a dead child, though they were only told to look for a stolen one. Emma Moody said she was a schoolmate of the accused at Beckington, about a mile from Road. Had heard her say she disliked the child and pinched it; she said she liked to tease the younger children. Witness understood she was jealous of them, because the parents showed great partiality. "Won't it be nice to go home for the holidays so soon?" witness had asked her; she replied, "It may be, to *your* home; but mine's different," adding that the second family were much better treated than the first. "Mamma will not let me have anything I like; if I said I should like a brown dress, she would let me have a black: just for contrary." Cross-examined, the prisoner had been a boarder for the last half-year. She took the second class prize for good conduct. Inspector Whicher had called upon witness regarding the case; she was very surprised to see him.[2] Mr. Parsons, Beckington, gave further

[1] *The Road Murder*, p. 8.

[2] It was to Miss Moody that Constance gave the signed photograph of herself, reproduced with the present paper.

particulars of the post-mortem examination. The throat was cut from ear to ear, dividing it all down to the spine. There was a stab on the left side, cutting through the cartilage of two ribs. The mouth had a blackened appearance and the tongue protruded between the teeth: "I think this was produced by forcible pressure during life." There were two slight incisions on the right [1] hand, which appeared to have been made after death. When he saw the body at 8.30 a.m. rigidity was complete; he judged it had been dead at least five hours. The injuries were inflicted with a long, pointed knife. In presence of Superintendent Foley he had examined the linen in the accused's bedroom. The nightcap and nightgown on the bed were free from bloodstains. The nightdress was very clean; he could not say how long it had been worn. Cross-examined, it might have been worn for a week. The deceased was an exceptionally heavy child for his age. It would require great force to inflict the stab through his clothing. He saw a clean nightdress in the prisoner's drawer. Louisa Hatherall said she was at school with the accused, who had spoken of the partiality shown by her parents for the younger children. William was made to wheel their perambulator, which he disliked doing. The father used to say how much finer a boy his youngest son, Saville, was than William.

All this was but a weak groundwork on which to base so terrible an accusation, but Inspector Whicher held a stronger card. Sarah Cox, the housemaid, said that she collected the soiled linen from the bedrooms on Monday mornings. Miss Constance threw her nightgown out on the landing as usual on Monday, 2nd July, and witness took it to the lumber-room on the same floor, along with the other dirty linen. She then called the eldest Miss Kent to enter the weekly washing in the laundry book, in which that nightgown duly figured. She perfectly remembered putting it in the laundry basket.

[1] At the inquest he said the left.

Miss Constance came to the door of the lumber-room after the things were in the basket, but I had not quite finished packing them. She asked me if I would look in her slip pocket and see if she had left her purse there. I looked in the basket and told her it was not there. She then asked me to go down and get her a glass of water. I did so, and she followed me to the top of the back stairs, as I went out of the room. I found her there when I returned with the water, and I think I was not gone a minute. She drank the water and went up the back stairs to her own room.[1]

The cross-examination of this witness occupies two closely-printed pages of the report, which shows how much weight Mr. Edlin attached to her statement. But Sarah was not to be shaken. She said that Miss Constance's nightdresses were easily distinguishable from those of the other ladies, as hers had plain frills and theirs lacework. Miss Constance had three, including the one put into the basket. That week three nightdresses were entered in the laundry book, of which hers was one. On the Tuesday the laundress sent a message to say that there was one nightdress short; witness said that must be a mistake, for she herself had put in three. There was nothing unusual in Miss Constance's manner on the discovery of the murder. Witness had never seen her unkind or unsisterly to her little brother. Esther Holly said that she was in the habit of washing for the family. On the Monday after the murder she got the clothes as usual in a basket. When she got home and compared them with the list, she found there was a nightdress missing. On her reporting the fact, Mr. Kent said he would take out a search-warrant if the nightdress was not returned within forty-eight hours. It had never been found, and her connection with the family had ceased. In cross-examination, she said the only two articles that had ever been lost at the wash before were a ragged duster and an old towel. "Mrs. Kent forgave me the towel." Inspector Jonathan Whicher said he had been engaged in investigating the case.

[1] *The Great Crime of 1860*, p. 132.

From information received,[1] I sent for Constance Kent on Monday last to her bedroom, having just examined her drawers and found a list of her linen, which I produce, in which were enumerated three night-dresses, belonging to her. I said, "Is this a list of your linen?" She replied, "Yes." I said, "In whose writing is it?" She said, "It is my own writing." I said, "Here are three nightdresses: where are they?" She said, "I have two; the other was lost in the wash the week after the murder." She then brought me the two which I produce. I also saw a nightdress and a nightcap on her bed. I said, "Whose is this?" She said, "That is my sister's." The two she had before brought me were soiled; I mean they had been worn.[2]

When arrested on the charge of murder she wept and repeatedly said, "I am innocent."

Whicher's theory as to the nightdresses was this: Constance had done the deed in the nightdress—let us call it A—which she was wearing on Friday, the night of the crime; it was bloodstained, and on regaining her room she burnt or otherwise destroyed it; she then took from her drawer a clean nightdress, B, in which she slept during the nights of Saturday and Sunday, and put it out for the wash on Monday morning, in order that it might be entered in the laundry book as A. By sending the maid for the water, she contrived to recover B from the basket and took it up to her bedroom, thus avoiding the necessity for using her third and only remaining nightdress, which might have attracted notice and inquiry.

Mr. Edlin then addressed the Bench. He demanded the instant liberation of his client, against whom no tittle of evidence had been adduced. This young lady had been the subject of a judicial murder not less atrocious than that with which she was charged. She had been dragged to gaol like a common felon, on the mere suspicion of a police inspector, actuated by hope of earning the offered reward. The matter of the missing nightgown—the little peg upon which alone this fearful charge depended—had been dis-

[1] It is probable that Whicher obtained his first clue from the previous association of Constance with the closet.

[2] *The Road Murder*, p. 9.

posed of to the satisfaction of everyone. The meanness of hunting up the girl's schoolfellows reflected ineffable disgrace upon the person responsible. The Bench would fail in their duty if they did not at once restore this injured young lady to her home and friends. " The learned gentleman resumed his seat amidst the loud applause of the audience "—a curious example of the psychology of crowds : these same people had but lately been clamouring for her blood. The magistrates, after a brief consultation, announced that the prisoner would be discharged, on her father entering into recognisances of £200 for her appearance if called upon.

So Constance was free once more to " listen to the merry village chime." She returned in triumph to the family bosom, and the *Times* shed tears of printers' ink over the touching scene of her reunion with her parents. No one, however, had a good word to say for poor Whicher. His fate affords a palmary example of the unhappiness of the policeman's lot, as described by a popular playwright. He had to pay the penalty of those whose genius is in advance of their time ; his brilliant bit of inductive work was upon all hands held up to ridicule, and he himself retired from the case, buried beneath a weight of obloquy and contempt. The *Annual Register* pontifically pronounced his epitaph :

> The grounds on which this accusation was made were so frivolous, and the evidence by which it was attempted to be supported so childish, that the proceeding can only be described as absurd and cruel. . . . The other evidence to support the charge was singularly empty and vexatious. . . . By this indiscretion, the exertions of the detectives, so far from having tended to the discovery of the criminals, had rather diminished the chance of success.[1]

Public opinion, thus satisfied of the innocence of Miss Constance, was now in full cry after her father and the nurse. A memorial was presented to the Home Secretary, praying for the appointment of a special commission to investigate the circumstances of the crime, but this appli-

[1] *Annual Register*, June 1860, p. 101.

ROAD HILL HOUSE, BACK VIEW, SHOWING THE DRAWING-ROOM WINDOW.
(From a contemporary sketch.)

cation was refused. On 3rd September Sir George Lewis intimated that he would not be justified in advising Her Majesty to create an exceptional and extraordinary tribunal for the purpose of interrogating persons suspected of the murder. The inaction of the Home Office was strongly condemned by the Press, with the characteristic British result that the Government unofficially authorised a private inquiry to be conducted by one Mr. Slack, a solicitor of Bath, at the instance of the Wiltshire magistrates. There is no pleasing some people. The *Spectator* remarked: "Sir George Lewis gets rid of the difficulty by a side wind, for it appears now that although he refuses to initiate any proceedings, he yet sanctions another course, taken by the local magistrates, utterly subversive of every principle of justice." On 26th September Mr. Slack, having concluded his inquiry, the result of which was never published and which seems to have consisted in the re-examination of the whole household, reported the proceedings to the magistrates, and applied for a warrant for the arrest of Elizabeth Gough. This step was taken after consultation with the Attorney-General, Sir Richard Bethell, who was of opinion that there was sufficient evidence to justify the charge. Superintendent Foley—again in command, *vice* Whicher, dismissed with ignominy—must have been gratified to have his opinion thus backed by so competent an authority.

On 1st October the prisoner was brought before the magistrates at Trowbridge; Mr. T. W. Saunders, of the Western Circuit, appeared for the prosecution, Mr. Ribton represented the accused, and Mr. Edlin watched the case on behalf of Mr. Kent. In opening the case, Mr. Saunders gave an account of the former investigations, and referred to the fact that "another party was apprehended at the instance of a detective from London—a young lady, a member of the family in which this murder was committed. He was happy to have an opportunity of saying that from first to last there was not the slightest ground for entertaining suspicion against her, and he believed that

young lady went forth to the world as clear of suspicion as any gentleman he had the honour of addressing." This would be pleasant hearing for Miss Constance, then present in Court. After reviewing the circumstances of the crime, with which the reader is already familiar, he said that they could fix the time of the murder at about one o'clock in the morning of Saturday, 30th June. With regard to the nature of the injuries inflicted, " the conclusion he had arrived at was that the child's throat was cut to mislead, and for the purpose of diverting suspicion and inquiry from the proper quarter." It was clear that no one broke into the house; it was highly improbable that anyone was secreted there.

> The probabilities were that whoever committed the murder, and took the child out and deposited it where it was found, got out through the back door, was let out by a person in the house, and afterwards returned. It may be suggested that it was done by one person only. Whether it was done by one or more, it was clear almost to demonstration that the prisoner must have been concerned.[1]

But one person could not have taken the child from the cot, lifted the blanket from between the sheet and counterpane, and carried both off, leaving the bedclothes smoothly rearranged. There must have been a second person there. Was it likely that two strangers went into that room to do it? Were they not forced to the conclusion that if there were two persons, one at least must have been the nurse? Counsel then considered most unfavourably her behaviour when she found the child gone, and commented on her unexplained failure to give the alarm. Before the discovery of the body, she had told Mrs. Kent that the blanket was missing; but afterwards, perceiving the danger of that admission, she declared that she did not know it until the body was brought in. Beneath the body in the closet was discovered " a triangular piece of chest flannel, worn by females "; it was found to fit exactly the prisoner's chest.

[1] *Bristol Daily Post*, 2nd October 1860.

It had been proved by actual experiment that from her bed, as she described, she could not have seen whether or not the boy was in his cot. The case was fraught with such grave suspicion that justice demanded the prisoner should be sent for trial.

Mr. Samuel Saville Kent was then called and examined by Mr. Saunders. He described the extent of his family and the accommodation of his house. He slept soundly on the fatal night and did not wake till a quarter past seven. He set off for Trowbridge so soon as he heard the child was missing. The house could not have been entered from without except by violence, of which there was no trace. He knew before he left for Trowbridge that the blanket was missing, and told the turnpike-keeper at Southwick so. On the Saturday after the murder it was arranged that two policemen should pass the night in the house. He admitted them at 11 p.m., after the household had gone to bed ; put them in the kitchen, well provided with refreshments ; *and locked them in without their knowledge.* These vigilant officers were presumably so occupied in refreshing themselves that they were unaware of their predicament till 2 a.m., when they made such a noise at the door that Mr. Kent came down and unlocked it. Pressed for an explanation of this strange proceeding, he now explained : " I bolted the door that the house might appear as usual, and that no one might know there were policemen in the house." He kept a large Newfoundland dog for protection of the premises and let it loose at night. He did so at 10 p.m. on the Friday. He was often awakened by its barking, but that night he heard no bark. The dog did not bark at the inmates. Cross-examined by Mr. Ribton, he might have expressed to the police the opinion that no one could have got into the house from the outside. He made no search himself before going to Trowbridge. He had refused to allow a plan of the premises to be taken. He did not interrogate the nurse on the morning of the murder, nor did he enter the nursery on that occasion.

The only reason he had for supposing, before he searched the premises, that the child was stolen, was that he was told it was missing.

Mrs. Kent described how she gave her boy a pill at eight o'clock on the Friday night and saw him put to bed. When she went to bed herself at eleven she shut the nursery door. It creaked, unless shut carefully. Owing to her condition, she was very restless and awoke frequently during the night. She heard no sound from the nursery. Mr. Kent did not leave his bed till 7.30 next morning. Early in the morning she heard the drawing-room shutters opened, but did not call her husband's attention to that as he was asleep. She was not alarmed; she thought it was done by the servants. She did not hear the dog bark during the night. Witness then stated how the prisoner informed her of the child's disappearance.

> I asked her why she had not told me sooner; she said she did not come, as she thought I had heard him cry and had fetched him. I replied, "How dare you say so? You know I could not carry him." . . . I had never gone and taken the child from the room when the nurse was asleep.

After discovery of the murder, when accused was brushing her mistress's hair, she exclaimed, "Oh, ma'am, it's revenge!" Cross-examined, Mrs. Kent said that the nurse was particularly kind to the child, who was very fond of her. After his death she often spoke of him with sorrow and affection. In re-examination, witness said that the boy was a general favourite; she knew of no one who had any vengeful feeling against him or the family. On concluding her evidence witness asked leave to make a voluntary statement, which was refused. One wonders what she wanted to say.

Sarah Cox, the housemaid, was then called and examined, but contributed nothing to our knowledge of the facts. At the conclusion of her testimony the Court rose. The solid body of spectators, who had waited outside all day, "hooted

and hissed every carriage that left, believing it to contain the Kent family."

Next morning the examination of witnesses was resumed. The cook, the gardener, and the two eldest Miss Kents succeeded each other in the box without adding anything material to the issue. Then Miss Constance Emilie Kent was called.

On Friday the 29th of June I was at home. I had been at home about a fortnight. I had been previously at school, as a boarder, at Beckington. The little boy who was murdered was at home also. I last saw him in the evening, when he went to bed. He was a merry, good-tempered lad, fond of romping. I was accustomed to play with him often. I had played with him that day. He appeared to be fond of me, and I was fond of him.

On the Saturday night she slept in the same nightdress she had worn all that week. She put on a clean one on the Sunday or Monday night. Her third nightdress was missing; she did not know what had become of it. Cross-examined, she heard from the nurse that the child's blanket was missing, but whether before or after the discovery of the body she could not remember. Morgan and Urch, two local constables, spoke to visiting the nursery on the Saturday morning. Prisoner showed them the child's cot, with the bedclothes folded back and the impression of his head on the pillow. She stated that the blanket had been removed. Urch said that, along with another officer, he was told by Mr. Kent to remain in the kitchen all night. They afterwards discovered that they were locked in, and " made noise enough to wake the house " until he released them. Benger and Nutt described the finding of the body, and were needlessly badgered in " cross " as to their " prediction." Superintendent Foley told how he had put two officers at Mr. Kent's disposal. " They were, I understood, to have the whole range of the house, but they only had the kitchen range." " A laugh " is the recorded tribute to the superintendent's pleasantry.

I never received any information from the prisoner that was of any service. She said she was sure it was not Miss Constance, and I said, "Was it you?" She said, "No." I said it must have been somebody in the house: "Was it Mr. Kent?" She said it must have been some person concealed in the house. I said, "That story won't do."

Superintendent Wolfe, of Devizes, had interviewed the prisoner on Monday, 2nd July. She said, "The first time I missed the blanket was after the child was found; I went and looked at the crib when I went to do Mrs. Kent's hair." She had frequently repeated that statement. He had tried the experiment of kneeling on the nurse's bed and looking towards the cot; it was impossible from that position to see whether the child was in it or not. In reply to his question, prisoner told him, "Mr. Kent has never alluded to the matter [of the murder] to me since it occurred, from first to last. The young ladies have, and so has Miss Constance, and Master William has often cried over it."

The third day's hearing began with the evidence of Master William, who had nothing to tell, and of other witnesses, who were in the same situation. Then Mr. Parsons, the surgeon, gave an elaborate account of the post-mortem, at which it now appeared that Mr. Stapleton, the historian of the case, assisted. He was more positive about the appearance of the mouth: "it had been pressed for a considerable time—say, from five to ten minutes, and by a soft substance." [1] His final opinion was that the child died from suffocation, and that the several injuries were inflicted *after* death. The remainder of the sitting was occupied by witnesses of no importance. Mrs. Dallimore, wife of a Trowbridge constable, who seems to have been placed by Foley as a spy upon the nurse, gave an account of divers conversations had with her, as well before as after her

[1] Mr. Stapleton was of opinion that the wound in the throat amounted, physiologically, to decapitation. It would at once abolish all feeling and preclude all resistance. "One murderous cut had drained the large vessels in a few short seconds of their blood"; but that from the smaller vessels, filtering downwards, produced the distention and suffusion of the face, erroneously regarded as evidence of suffocation.—*The Great Crime of 1860*, p. 62.

apprehension. Gough, however, while maintaining her own innocence, had steadily refused to inculpate anyone else, to the manifest annoyance of the policewoman.[1] This expert alleged that the " chest flannel " found in the closet fitted Gough alone of all the female inmates, but denied that it fitted herself equally well. She was much discredited in cross-examination.

The fourth and last day of the proceedings was devoted to Mr. Ribton's long and eloquent address for the defence, into which I have no space to enter. He contended that the evidence showed the murder to have been committed by a stranger secreted in the house,[2] and that the sole point made against his client—her varying statements as to when she missed the blanket—was accounted for by her natural confusion in so shocking a situation. He concluded with a strong appeal for her immediate discharge. The magistrates, after half-an-hour's deliberation, discharged the prisoner, upon recognisances of £100.

As, according to the stage tradition of the day, melodrama and pantomime were commonly conjoined in the same playbill, it was fitting that the tragedy of which these abortive investigations were the theatre should be followed by a farce. On Saturday, 3rd November, Mr. Saunders, a Wiltshire magistrate—not the barrister of that name whom we have already met—began a season at the Temperance Hall, Road, with an entirely new and original comedy, of which he was at once the author, producer, and first comedian. The proceedings, in that they were without lawful authority instituted by himself, were private, but in another sense, public ; for he welcomed to the witness-stand any busybody who cared to come. The village idiot —locally, as appears, a noun of multitude or signifying many—responded with gusto to the invitation ; and all

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[1] She did, indeed, express the opinion that the crime was due to " jealousy," and she may well have had her own reasons for saying so.

[2] About the only thing the evidence *did* establish was that the deed was done by an inmate, familiar with the premises.

who had a grudge against the Kent family, a relish of gossip and scandal, or an itch for self-advertisement, trooped joyously to the Temperance Hall. There they found Mr. Saunders, in all the majesty of self-appointed office, presiding at a table covered with documents. Anticipating but cold comfort from the dry character of the courthouse, the president produced from his pocket a bottle, containing what looked very like brandy—" it might have been cough mixture," is the charitable comment of the *Daily Post* reporter—poured an adequate dose thereof into a tumbler, slightly tempered the same with water, and during the progress of the sederunt, had frequent recourse to this specific. He then " opened " in an address teeming with such ludicrous irrelevancies and idiotic observations as these:

If I mistake anything, it is unwittingly, and let me, for God's sake, be corrected by somebody and interrupted. If I am correct in my impression —and I am happy to say, from the investigation I took, I have most of the facts at my fingers' ends—I think there was a person who volunteered evidence that Mr. Kent—evidence, I mustn't say—made a statement that Mr. Kent was at church on the previous Sunday, Midsummer Day, with the little boy who was unfortunately found afterwards in the receptacle. That person, I now think, was Mrs. Webley: is she here? Is she near at hand? If anybody goes for her, let them call on Silcox, who lives near the lane that leads up to the pound, with my personal respects.[1]

The dame, with much difficulty and waste of time, being produced and testifying to Mr. Kent's Sunday observance —though to what purpose, Heaven and Mr. Saunders only knew—the learned gentleman remarked :—

I am much obliged to you. Is there anyone here can give me any account of Mr. Samuel Saville Kent's proceedings on the Monday after Midsummer Day? Is there anybody in this room who saw Mr. Kent on the 25th of June? Let him speak out, without fear, favour, or affection, and be kind enough to make that inquiry among his friends. Is there anyone here that knows any thing of his proceedings on the Tuesday? Let him make a like inquiry among his friends. Is there anyone here who said anything about Kent's proceedings on the 27th

[1] *Bristol Daily Post*, 6th November 1860.

June ? Is there anybody—is there anybody—do they know anybody ? My memory fails me.

As it is possible that the reader's patience is in similar case, we shall leave Mr. Saunders to conduct, or rather misconduct, his extrajudicial inquiry, ungraced by our presence. But, by a strange chance, from the heaps of chaff thus winnowed by this egregious husbandman, a new and startling grain of evidence *did* emerge. It appeared that one of the police, who searched the house on the morning after the murder, found in the boiler-furnace of the scullery a woman's bloodstained shift. He showed it to Foley, who said " he shuddered to think the man that found it was so foolish as to expose it." So it was put back again, and the superintendent's sensibilities were doubtless appeased by its disappearance, for it vanished and was no more seen. This explains why Foley that night placed two men in the kitchen : it was to watch whether anyone attempted to recover the garment. He had carried his delicacy so far as to make no mention of the matter to Inspector Whicher, who, when the fact came out, wrote on 27th November to the Trowbridge magistrates, indignantly complaining how he had been kept in the dark by his colleague.[1] The magistrates held an investigation into the affair of the suppressed chemise, as the result of which, while Foley's conduct in the business was declared " regrettable," the fineness of his feelings was commended. This ensanguined *trouvaille*, by the way, though less welcome than the flowers of spring, resembled them, as afterwards appeared, in having " nothing to do with the case."

The last official attempt to discover the secret of Road Hill House, made on 24th November by Her Majesty's Attorney-General, in the Court of Queen's Bench, Westminster, was no more successful than its forerunners. This was an application for a writ *ad melius inquirendum*

[1] It is clear that the relations of Foley and Whicher suggested to Wilkie Collins those of Superintendent Seegrave and Sergeant Cuff, in connection with the mystery of *The Moonstone*.

touching the death of Francis Saville Kent—in other words, for a rule to quash the Coroner's inquisition and to grant a new inquiry before special commissioners—the grounds being misdirection of the jury and the exclusion of evidence. The offending functionary was represented by Sir Fitzroy Kelly, and the matter was debated at vast length.[1] The real question was, whether the Coroner had been guilty of judicial misconduct in failing to examine Mr. Kent. Finally, on 30th January 1860, the Court found that he had not, and Lord Chief-Justice Cockburn discharged the rule. Thus the final effort to reopen the inquiry failed, and the arraignment of the Road murderer was remitted to the knowledge of the Great Assize.

III

The Solution

> Still with unhurrying chase,
> And unperturbèd pace,
> Deliberate speed, majestic instancy,
> Came on the following Feet,
> And a Voice above their beat—
> "Naught shelters thee, who wilt not shelter Me."
>
> Francis Thompson: *The Hound of Heaven.*

It is among the lamentable consequences of great crimes that the just and the unjust are alike involved in one common ruin; that the innocent kinsfolk of the criminal must pay a portion of the price. Road Hill House had to be abandoned by the unfortunate family, who vainly sought in Wales a refuge from the scandal and disgrace which was to follow them through life. The outbreak of the American Civil War in the ensuing year provided the newspapers with ample copy, and the familiar headline "The Road Murder" no longer figured as a daily item in their columns.

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[1] A verbatim report of the discussion is given in *The Great Crime of 1860*, Appendix v, p. 329.

Constance Kent had ceased to be a member of the home circle. Her early desire for independence met with qualified fulfilment: she went into retreat in a French convent, where she remained for the next three years. The reason for this singular relaxation of the bonds of mid-Victorian domesticity may be inferred from the following paragraph:—

> It is not generally known that nearly a year afterwards [1861], in consequence of an alleged confession of the crime by Miss Kent to one of her relatives, another attempt to investigate the matter was made by the detective officers, who had incurred the censure of a large proportion of the Press and the public for their proceedings in the case. They found it unadvisable, however, to act upon the fresh information which had reached them; and it subsequently transpired that Miss Kent had been sent to a convent in France.[1]

So the wicked Whicher had not yet ceased from troubling; but the object of his malevolent persecution was now beyond his reach. In August 1863 Constance Kent returned to England, and was admitted an inmate of St. Mary's Home, Brighton, an Anglo-Catholic hostel for devout women, under the ghostly ward of the Rev. Arthur Wagner, perpetual curate of St. Paul's Church there. In April 1865, while being prepared for Confirmation, Constance confessed to Mr. Wagner, as her spiritual director, that she was in truth the murderess of her brother. Shortly thereafter she avowed her intention to make public confession of her guilt; and on 25th April, accompanied by the clergyman and by the Lady Superior of the institution, Constance came to London and gave herself up to the authorities. The same day she was brought before Sir Thomas Henry at Bow Street, when, the charge having been taken,

> Sir Thomas, addressing the prisoner, said,—Am I to understand, Miss Kent, that you have given yourself up of your own free act and will on this charge?
>
> Miss Kent—Yes, sir.

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[1] *Annual Register*, April 1865.

Sir Thomas—Anything you may say here will be written down, and may be used against you. Do you quite understand that ?

Miss Kent—Yes, sir.

Sir Thomas—Is this paper, now produced before me, in your own handwriting and written of your own free will ?

Miss Kent—It is, sir.

Sir Thomas—Then let the charge be entered in her own words.

The confession was accordingly read as follows :—

I, Constance Emilie Kent, alone and unaided, on the night of the 29th of June 1860, murdered at Road Hill House, Wiltshire, one Francis Saville Kent. Before the deed was done no one knew of my intention, nor afterwards of my guilt. No one assisted me in the crime, nor in the evasion of discovery.[1]

The Rev. Arthur Wagner, sworn, deposed that the confession was entirely voluntary ; he had not in any way induced her to make it. He had neither persuaded her to confess nor dissuaded her from doing so. It was her own free act. Constance was then remitted in custody to the Wiltshire magistrates for examination. Next day she was brought before the local bench at Trowbridge, and after some formal evidence was committed for trial at the ensuing assizes.

At Salisbury, on 20th July 1865, in a thronged Court and amid intense popular excitement, Constance Kent made her last appearance in public. The great John Duke Coleridge, afterwards Lord Chief-Justice of England, had been retained for the defence by Mr. Rodway, the Kent family solicitor. " Before taking the very unusual course of acquiescing in a plea of guilty to a capital charge," says Mr. Atlay in his admirable article on the Road Mystery, " Mr. Coleridge desired to have his instructions direct from his client ; and, in accordance with his wish, he received the following letter, written in a firm, precise, feminine hand :—

" Sir,—I announced my determination yesterday to Mr. Rodway to plead guilty, and then if the judge should consider that a trial would

[1] *Annual Register*, April 1865.

conduce to clear those who are unjustly suspected, I would consent and leave the case in the hands of my counsel for that purpose. If the case is not gone into, it will not be believed that my confession is a true one, and I am persuaded that nothing will tend to clear the innocent so completely as my conviction.—Yours truly, CONSTANCE KENT." [1]

Coleridge, in a letter to which the above is a reply, had advised his client, *if she was really determined to plead guilty*, not to allow any other plea to be recorded. "If you plead Not Guilty, then whatever I can do shall be done for your acquittal. If you plead Guilty, anything I can say to set others right shall be said. But I advise you against any intermediate course." [2] The prisoner decided to be ruled by counsel's advice, but Coleridge must prepare for either event. His diary contains the following entries regarding the case :—

July 20.—Saw Miss Kent, the sister, and William Kent, and then sat up till near three, getting up my speech which, after all, I shall not deliver.

July 21.—Poor Constance Kent pleaded guilty. I said a few words and *there* an end. It was very solemn.[3]

Mr. Justice Willes presided ; Mr. Karslake, Q.C., appeared for the Crown, Mr. Coleridge, Q.C., for the defence. The prisoner, being required to plead, replied in a low voice, "Guilty." Twice did the judge repeat the question ; twice did she return the same answer. So the plea was duly recorded. Then, amid the tense silence of the crowded courtroom, "silver-tongued" Coleridge rose to address the judge :—

My Lord, as counsel for the defence, acting on the prisoner's behalf, before your lordship passes sentence, I desire to say two things—first, solemnly in the presence of Almighty God, as a person who values her own soul, she wishes me to say that the guilt is hers alone, and that her father and others who have so long suffered most unjust and cruel suspicion are wholly and absolutely innocent ; and secondly, she was not

[1] *Famous Trials of the Century*, by J. B. Atlay, p. 131. London : 1899.

[2] *Life and Correspondence of John Duke, Lord Coleridge*, ii. 412. London : 1904.

[3] *Ibid.*, ii. 39.

driven to this act, as has been asserted, by unkind treatment at home, as she met with nothing there but tender and forbearing love; and I hope I may add, my lord, not improperly, that it gives me a melancholy pleasure to be the organ of these statements for her, because on my honour I believe them to be true.[1]

Mr. Justice Willes, who was deeply affected, pronounced the inevitable sentence.[2] "The prisoner at the bar, who up to this time had maintained the greatest composure, burst into a passion of tears, which was audible in every part of the Court and produced a profound impression upon all who witnessed the scene." She was thereupon removed, and the brief proceedings were over.

Had the case occurred in later and more enlightened times, Constance Kent, availing herself of the Prisoners' Evidence Act, could have told in the witness-box her own story and would have been cross-examined upon it, thus probably preventing the fulfilment of her prophecy that her confession would not otherwise be believed—a prediction which, as we shall see, has been verified. There is an interesting letter, written in 1890, by Lord Coleridge to Mr. Gladstone, with reference to the present case, regarding the law applicable to the sanctity of confession to a clergyman. The Rev. Mr. Wagner, had the trial gone on, was to have been a witness; and if Karslake put the question to him and Coleridge objected, the judge was prepared to uphold the objection. "He said he had satisfied himself that there was a *legal* privilege in a priest to withhold what passed in confession. . . . Whether the English judges would have upheld Willes's law I own I doubt."[3]

Miss Tennyson Jesse, in her brilliant study of the case, has noted it "as an example of the gulf that divides present-day thought from that of 1860":—

None of the problems of adolescence, with which a modern counsel for the defence would have made such powerful play, were invoked by

[1] *Annual Register*, 1865, p. 228; *Life and Correspondence*, ii. 411.

[2] The capital penalty was afterwards commuted for that of penal servitude for life.

[3] *Life and Correspondence*, ii. 365.

Constance Kent's advocate. It is quite certain that the doctrines of Freud and his followers could not have been left out of a similar trial taking place nowadays, but in Constance Kent's day it was considered that justice had been sufficiently tempered with mercy when the woman of twenty-one was sentenced to penal servitude for life for the crime committed when an ill-balanced girl of sixteen.[1]

But the authorities were not wholly heartless. By instruction of the Home Office, Dr. Bucknill of Rugby [2] examined the prisoner before the trial as to her mental condition, with a view to a possible plea of insanity, but he was unable to advise that she was not fit to plead. After commutation of the sentence, Dr. Bucknill, by request of the convict and her family, published in the *Times* the following letter, giving a detailed account of the manner of the murder, as communicated to him on that occasion by Constance Kent herself :—

Sir,—I am requested by Miss Constance Kent to communicate to you the following details of her crime, which she has confessed to Mr. Rodway, her solicitor, and to myself, and which she now desires to be made public.

Constance Kent first gave an account of the circumstances of her crime to Mr. Rodway, and she afterwards acknowledged to me the correctness of that account when I recapitulated it to her. The explanation of her motive she gave to me when, with the permission of the Lord Chancellor, I examined her for the purpose of ascertaining whether there were any grounds for supposing that she was labouring under mental disease. Both Mr. Rodway and I are convinced of the truthfulness and good faith of what she said to us.

Constance Kent says that the manner in which she committed her crime was as follows : A few days before the murder she obtained possession of a razor from a green case in her father's wardrobe and secreted it. This was the sole instrument which she used. She also secreted a

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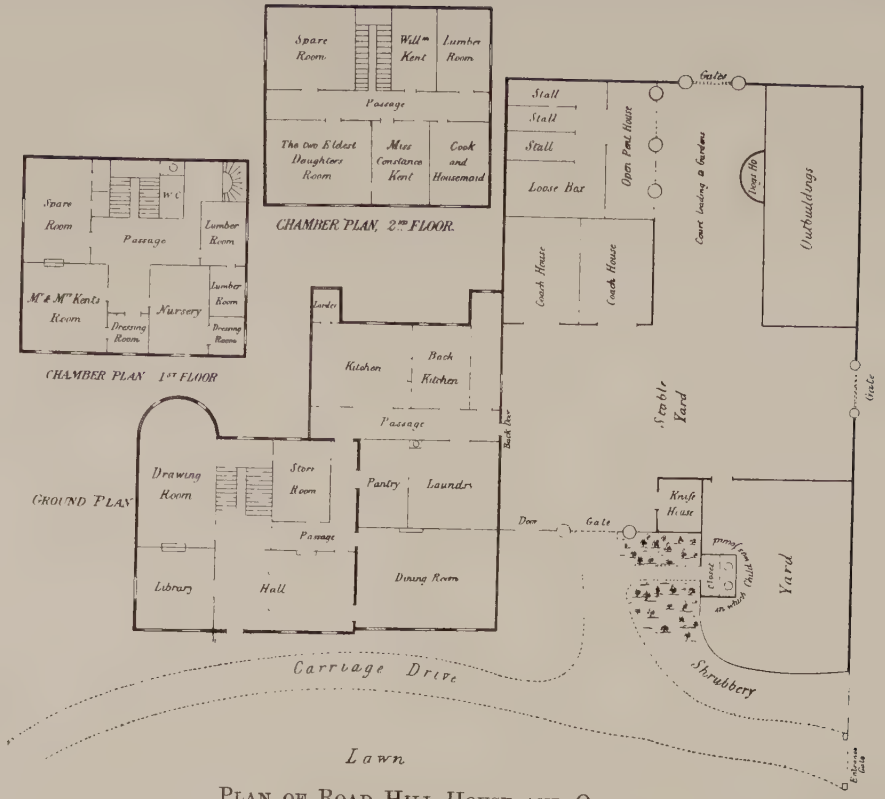
[1] *Murder and its Motives*, by F. Tennyson Jesse, p. 75. London : 1924.

[2] Dr. (afterwards Sir John Charles) Bucknill was one of a well-known Rugby family. His grandfather, Samuel Bucknill, surgeon there, was, curiously enough, also concerned for the prosecution in another local *cause célèbre* : that of Captain John Donellan, convicted at Warwick Assizes in 1781 of the murder of his young brother-in-law, Sir Theodosius Edward Allesley Boughton of Lawford Hall.—See *The Fatal Countess and Other Studies*, p. 103. Edinburgh : 1924.

candle with matches, by placing them in the corner of the closet in the garden, where the murder was committed. On the night of the murder she undressed herself and went to bed, because she expected that her sisters would visit her room. She lay awake watching until she thought that the household were all asleep, and soon after midnight she left her bedroom and went downstairs and opened the drawing-room door and window shutters. She then went up into the nursery, withdrew the blanket from between the sheet and the counterpane, and placed it on the side of the cot. She then took the child from his bed and carried him downstairs through the drawing-room. She had on her nightdress, and in the drawing-room she put on her goloshes. Having the child in one arm, she raised the drawing-room window with the other hand, went round the house and into the closet, lighted the candle and placed it on the seat of the closet, the child being wrapped in the blanket and still sleeping, and while the child was in this position she inflicted the wound in the throat. She says that she thought the blood would never come, and that the child was not killed, so she thrust the razor into its left side, and put the body with the blanket round it, into the vault. The light burned out. The piece of flannel which she had with her was torn from an old flannel garment placed in the waste bag, and which she had taken some time before and sewn it to use in washing herself. She went back into her bedroom, examined her dress, and found only two spots of blood on it. These she washed out in the basin, and threw the water, which was but little discoloured, into the foot-pan in which she had washed her feet over-night. She took another of her night-dresses and got into bed. In the morning her nightdress had become dry where it had been washed. She folded it up and put it into the drawer. Her three nightdresses were examined by Mr. Foley, and she believes also by Mr. Parsons, the medical attendant of the family. She thought the blood stains had been effectually washed out, but on holding the dress up to the light a day or two afterwards, she found the stains were still visible. She secreted the dress, moving it from place to place, and she eventually burnt it in her own bedroom, and put the ashes or tinder into the kitchen grate. It was about five or six days after the child's death that she burnt the nightdress. On the Saturday morning, having cleaned the razor, she took an opportunity of replacing it unobserved in the case in the wardrobe. She abstracted her nightdress from the clothes basket when the housemaid went to fetch a glass of water. The stained garment found in the boiler hole had no connexion whatever with the deed. As regards the motive of her crime, it seems that, although she entertained at one time a great regard for the present Mrs. Kent, yet if any remark was at any time made which in her opinion was disparaging to any member of the first family, she treasured it up,



PLAN OF ROAD HILL HOUSE AND OFFICES.

(From a contemporary drawing.)

and determined to revenge it. She had no ill-will against the little boy, except as one of the children of her stepmother. She declared that both her father and her stepmother had always been kind to her personally, and the following is the copy of a letter which she addressed to Mr. Rodway on this point while in prison before her trial.

"Devizes, May 15.

"Sir,—It has been stated that my feelings of revenge were excited in consequence of cruel treatment. This is entirely false. I have received the greatest kindness from both the persons accused of subjecting me to it. I have never had any ill-will towards either of them on account of their behaviour to me, which has been very kind.

"I shall feel obliged if you will make use of this statement in order that the public may be undeceived on this point.—I remain, sir, yours truly, "Constance E. Kent.

"To Mr. R. Rodway."

She told me that when the nursemaid was accused she had fully made up her mind to confess, if the nurse had been convicted; and that she had also made up her mind to commit suicide if she was herself convicted. She said that she felt herself under the influence of the devil before she committed the murder, but that she did not believe, and had not believed, that the devil had more to do with her crime than he had with any other wicked action. She had not said her prayers for a year before the murder, and not afterwards, until she came to reside at Brighton. She said that the circumstances which revived religious feelings in her mind was thinking about receiving the Sacrament when confirmed.

An opinion has been expressed that the peculiarities evinced by Constance Kent between the ages of twelve and seventeen may be attributed to the then transition period of her life. Moreover, the fact of her cutting off her hair, dressing herself in her brother's clothes, and leaving her home with the intention of going abroad, which occurred when she was only thirteen years of age, indicated a peculiarity of disposition and great determination of character, which foreboded that, for good or evil, her future life would be remarkable.

This peculiar disposition which led to such singular and violent resolves of action, seemed also to colour and intensify her thoughts and feelings, and magnify into wrongs that were to be revenged any little family incidents or occurrences which provoked her displeasure.

Although it became my duty to advise her counsel that she evinced no symptoms of insanity at the time of my examination, and that, so far as it was possible to ascertain the state of her mind at so remote a period, there was no evidence of it at the time of the murder, I am yet of opinion

that, owing to the peculiarities of her constitution, it is probable that under prolonged solitary confinement she would become insane.

The validity of this opinion is of importance now that the sentence of death has been commuted to penal servitude for life, for no one could desire that the punishment of the criminal should be so carried out as to cause danger of a further and greater punishment, not contemplated by the law.

I have the honour to remain your very obedient servant,

JOHN CHARLES BUCKNILL, M.D.

Hillmorton Hall, near Rugby, Aug. 24.[1]

This statement, which was "broadcasted" by the British Press, can have had few more interested readers than Inspector Whicher, who in 1863 had retired from the force—"presumably to grow roses," as Mr. Atlay pleasantly remarks in allusion to the hobby of Sergeant Cuff.[2] We all like to be proved right; and thus to be justified in the event must have given the intelligent officer legitimate joy.

Thirteen years later Dr. Bucknill, in a lecture on insanity delivered by him at the Royal College of Physicians in April 1878, made the following further revelations:—

The most remarkable case in which I have been concerned was the case of Constance Kent, who murdered her young brother and escaped detection. After an interval of several years, a truly conscientious motive led her to confess, and the most painful and interesting duty fell to my lot of examining her for the purpose of ascertaining whether it would be right to enter the plea of "Not guilty on the ground of insanity." I was compelled to advise against it, and her counsel, Mr. (now Lord) Coleridge, on reading the notes of my examination, admitted that I could not do otherwise. By her own wish, and that of her relatives, I published a letter in the *Times* describing the material facts of the crime; but, to save the feelings of those who were alive at the time, I did not make known the motive, and on this account it has been that the strange portent has remained in the history of our social life that a young girl, not insane, should have been capable of murdering her beautiful boy

[1] *Times*, 28th August 1865.

[2] During the great Tichborne case, Whicher came out of his retirement to assist the family, and he it was who discovered the claimant's famous visit to Wapping on Christmas Day 1866, which led to the identification of that personage with Arthur Orton.

brother in cold blood and without motive. I think the right time and opportunity has come for me to explain away this apparent monstrosity of conduct. A real and dreadful motive did exist. The girl's own mother, having become partially demented, was left by her husband to live in the seclusion of her own room, while the management of the household was taken over the heads of the grown-up daughters by a high-spirited governess, who, after the decease of the first Mrs. Kent, and a decent interval, became Constance Kent's stepmother. In this position she was unwise enough to make disparaging remarks about her predecessor, little dreaming, poor lady, of the fund of rage and revengeful feeling she was stirring up in the heart of her young stepdaughter. To escape from her hated presence, Constance once ran away from home, but was brought back; and after this she only thought of the most efficient manner of wreaking her vengeance. She thought of poisoning her stepmother, but that, on reflection, she felt would be no real punishment, and then it was that she determined to murder the poor lady's boy. A dreadful story this; but who can fail to pity the depths of household misery which it denotes? At her arraignment, Constance Kent persisted in pleading "Guilty." Had the plea been "Not Guilty," it would, I suppose, have been my most painful duty to have told the Court the tragic history which I now tell to you, in the belief that it can give no pain to those concerned in it, and that it is mischievous that so great and notorious a crime should remain unexplained.[1]

Even allowing that Constance Kent was, according to the dimmer scientific lights of her day, technically, sane, yet to the lay reader it would seem that the monstrous character of the crime, the pitiful inadequacy of the alleged motive, and the hideous heritage of the mad mother, jointly and severally predicate a mind diseased. There can be, of course, no adequate motive for murder, but there may be at least one humanly comprehensible; and that a normal young lady could, by the gibes of an ill-mannered and partial stepmother, be moved to cut off her baby half-brother's head, is a proposition which I confess I have some difficulty in accepting.

Confinement had not the baneful effect on the convict's mental health which Dr. Bucknill anticipated. During the

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[1] *Celebrated Crimes and Criminals*, by W. M. [Sir Willoughby Maycock, C.M.G.], p. 154. London: 1890.

period of her detention at Portland, she executed some of the mosaics which enrich St. Peter's Church. She survived, without apparent damage, a twenty-years' residence there and in that particular penitentiary of which, in *The Princess Casamassima*, Henry James has given us so grim a picture. Brief glimpses of her prison life are afforded by Major Arthur Griffiths, under whose guardianship at Millbank Constance served a measure of her time. She was at first employed in the laundry and later as a nurse in the infirmary.

A small, mouse-like little creature, with much of the promptitude of the mouse or lizard surprised, in disappearing when alarmed. The approach of any strange or unknown face, whom she feared might come to spy her out and stare, constituted a real alarm for Constance Kent. When anyone went the length of asking, " Which is Constance ? " she had already concealed herself somewhere with wonderful rapidity and cleverness. She was a mystery in every way. . . . No doubt there were features in her face which the criminal anthropologist would have seized as suggestive of instinctive criminality—high cheek-bones, a lowering overhanging brow, and deep-set small eyes ; but yet her manner was prepossessing and her intelligence was of a high order, while nothing could exceed the devoted attention she gave the sick under her charge as nurse.[1]

Elsewhere he records :

Constance Kent was like a ghost in Millbank ; flitting noiselessly about, mostly invisible, but certainly so when any strange visitor appeared and she scented the smallest danger of being made a show. She spoke to no one, no one addressed her, the desire to efface herself was always respected, and her name was never mentioned.[2]

Major Griffith's testimony confirms the view expressed on other grounds by Miss Tennyson Jesse : that Constance " was not—as the congenital female criminal invariably is—a poseuse. She did not commit the crime for the sake of notoriety." [3]

Constance Kent was released on licence in 1885. She is

[1] *Secrets of the Prison-House*, by Arthur Griffiths, vol. ii. p. 10. London : 1894.
[2] *Fifty Years of Public Service*, by Arthur Griffiths, p. 219. London : [n. d.].
[3] *Murder and its Motives*, p. 97.

believed to have gone abroad, and history knows nothing further of her fate. If yet alive, she is now (1926) eighty-two years of age. Madeleine Smith, her Caledonian contemporary, who is said still to survive, must be ninety. How strange it is that the memory of these ancient and historic figures should persist as the dour schoolgirl of sixteen and the dashing damsel of one-and-twenty! Age cannot wither them, nor custom stale their infinite variety. Other women may grow old and be forgotten; theirs is the secret of eternal youth. Of the many legends begotten by the case the most intriguing is that Constance was a niece of Queen Victoria, her father having been an illegitimate son of His Royal Highness the late Duke of Kent, whose acquaintance it was the boast of Major Bagstock to enjoy. The physical resemblance between Constance and her august kinswoman is alleged to have been striking, but I have not been able to verify the relationship.

A word in closing as to the fidelity of her confession. As there will always be a certain type of mind which refuses to accept plain facts, preferring to the simple truth some subtle supposition, so in this case there have been divers sceptics who held that Constance deliberately damned herself, here and hereafter, to screen her guilty parent. "A certain barrister," says Mr. Ellis, "expressed his conviction of Constance Kent's entire innocence, maintaining that she made a bogus confession in order to divert suspicion from her father, who was regarded with mistrust by his neighbours." [1] There can be no question that the local feeling against Mr. Kent was intensely bitter and persistent. There must surely have been something in the personality of that respectable inspector of factories which aroused popular prejudice. But an exhaustive examination of the facts has satisfied me that he was a much-wronged man. I find no proof whatever of his alleged intrigue with the nurse, upon which is based the

[1] *A Mid-Victorian Pepys*, by S. M. Ellis, p. 24. London: 1923. An eminent criminological authority known to me also holds this view.

superstructure of suspicion. Had such a liaison existed, there must have been among the mass of testimony collected some trace of familiarities, of which there is none. Again, it is said that the drawing-room window required two people to open it; if that were so, it is remarkable that counsel at the nurse's trial did not avail himself of a fact so easily established and of such importance to his case: that two persons were concerned in the crime. And why should Constance postpone for five years the filial duty to vindicate her father's ruined reputation? Had she made her vicarious sacrifice at the time, it might have proved acceptable; as it is, I see no purpose to be served by so belated an oblation. There is nothing against Mr. Kent except the virulent and vindictive gossip of the village in which, for his sins, his lot was cast, and the misguided ingenuity of subsequent investigators.

In dealing with this dramatic and most sensational case I have eschewed, as will be seen, any attempt at pyrotechnics, whether psychological or literary, being content merely to collect and present such particulars as might enable each reader to form his own judgment upon the facts, so far as these are known to us. Of the verdict of the majority I am not in doubt.

THE TINCKLARIAN DOCTOR:

A VAGROM PAMPHLETEER

THE TINCKLARIAN DOCTOR:

A Vagrom Pamphleteer

> So he says to me, "Go, you Villain!" I do not understand what he means by that word Villain; if he had called me a Vagabond, I would have understood him, because I vague thro' the Earth.
>
> *The History and Mistery of the Tinclarian Dr. William Mitchel.*

CHARACTERS, generally speaking, are those imagined personages who populate, more or less profitably, books and plays. In a special sense the term connotes such human beings as some oddity of mind or manner, some queerness of behaviour or quaint philosophy of life, distinguishes from the ordinary company of their fellows. Alive, they may be bores, tedious or rampant; in print, they are apt to be a pure joy. The great grotesques of our literature, from Falstaff and My Uncle Toby to Mr. Collins and Mrs. Gamp, however disparate their methods, have this much in common: their appeal to our affections is in inverse ratio to the emotions they would evoke were they indeed creatures of like fashion with ourselves. The immortal Sairey, for example, to give place to ladies, so long as she be confined within the boards of *Martin Chuzzlewit*, is a thing of light and gladness, a bubbling fount of mirth of which we can never drink too often or enough. But a living, walking, talking Mrs. Gamp, a Mrs. Gamp of ponderable flesh and blood, disgustfully garbed, and breathing lies and liquor—which of us without a shudder could envisage so horrible a hag attendant on the hours of sickness? And yet, when we are "indispoged" what visitant more welcome, what companionship more

consoling, than the egregious ally of the impalpable Mrs Harris ?

Something of this apotheosis of the actual, this sublimation of the real, thus effected by the genius of Dickens, is achieved in the case of mere mortal characters by the passage of time. There are friends whom we have made in history who would be ugly customers to encounter in our daily walk. Thus, although, as my readers are to their cost aware, I am perennially intrigued by the character of King James the Sixth, I admit that I should consider that monarch in his habit as he lived a most undesirable acquaintance. And so with many another figure whose features we are fond to contemplate in the magic mirror of the past. All which simply comes to this : that the most unpromising folk, if fictively alive or factually dead, may be very agreeable company.

The subject of the present study is a case in point. Had one had the luck to live in Eighteenth-century Edinburgh, that age of gold, when everybody was more or less a character and to be wholly normal must have excited remark, it is probable that one would have fought somewhat shy of William Mitchel, who holds high place in the gallery of Auld Reikie's originals under his self-bestowed style and title of the Tincklarian Doctor. In relation to posterity Dr. William Mitchel is in much the same position as Mr. William Shakespeare : we know very little about him personally, and his reputation depends upon his literary remains. Would that I were capable to emulate the skill of those ingenious biographers who with a minimum of straw can fashion the goodly bricks whereof " Lives " of the Bard are constructed ! As regards the Doctor, the facts and circumstances of his career are not less nebulous and elusory. His many publications—of a piously vituperative cast, relieved by flashes of Rabelaisian humour—are provokingly deficient in dates (there are few except those on his title-pages), and the biographic gems which he has chosen to secrete in this theological rubbish heap

must be groped for, not without toil and sweat. Of the writer, brief notices are given by local antiquaries ;[1] of the works, an admirable bibliography by an eminent hand tells us all that may now be known.[2] It is of the man himself, as glimpsed in his writings, that I am to essay a portrait. The nature and quality of his work can only be described as indescribable. Its quantity—some hundred separate tracts, extending to over a thousand closely-printed pages—" surprises by himself," as Count Smorltork would say, an embarrassment of riches. Its Protean form —Testaments, Sermons, Letters, Speeches, Petitions, Discourses, Prophecies, Histories, Epistles, Catechisms, Elegies, and Verses—are sufficiently bewildering. Its subject-matter—ranging from the election of magistrates to the confounding of the Scarlet Woman—defies classification. As Mrs. Soorocks observed of the Laird's Jock: "He's just what Solomon would hae been wi' a want, for his proverbs and parables are most extraordinar!" All his publications are extremely rare, and of many of them one copy only is known to exist. Yet it must not be inferred that, like the sensible remarks of King Hildebrand, the Doctor's works "derive their value from their scarcity." No ; they are the unique product of a very original mind, and besides affording to the discerning reader much matter of entertainment, are really valuable for the side-lights they cast upon the men and manners of the time. Further, they are interesting as human documents—not even the great Pepys had less regard for reticence. That an illiterate tinker should conceive and execute such a

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[1] *Traditions of Edinburgh*, by Robert Chambers, 1825, i. 126 ; 1869, p. 53 ; *A Book of Scottish Pasquils*, by James Maidment, 1827, p. 74 ; *Notes and Queries*, 1864, iii., Series V., pp. 74, 124, 359 ; *Domestic Annals of Scotland*, 1861, iii. 358, 450 ; *Satan's Invisible World Discovered*, by George Sinclair, 1871, p. xcix ; *Historical Account of Witchcraft in Scotland*, by Charles Kirkpatrick Sharpe, 1884, p. 194.

[2] *William Mitchel, The Tincklarian Doctor : A Bibliography*, 1711–39, by George P. Johnston, 1921, Edinburgh Bibliographical Society, xi. 115 ; *Additions*, 1925, xii. 99.

programme, pursuing his labours for twenty years and only quitting the pen with life, is in itself a notable instance of the *cacoëthes scribendi*. "The Reason I call myself *The Tincklarian Doctor*," he explains, "is because I am a Tinklar and cures Pans and old Lantrins." [1] That was but one branch of his recondite and curious art. His was no common tinkering: the pans he mended held strange substances, and the lanterns of his repairing gave forth ever afterwards an elvish light.

. . . . . .

Of the many and grievous outrages to which, by the folly and vandalism of her civic rulers, the fair face of Edinburgh has been so long and woefully subjected, the destruction of the West Bow may be reckoned the wickedest and most wanton. Justly described by a late delineator of Auld Reikie's charms, as "the most picturesque roadway in Edinburgh—perhaps in Europe," and "the most rare and inestimable of our antiquarian treasures," [2] this noble thoroughfare, whose historic and legendary associations were as striking as its architectural features, was for centuries the only access to the city from the west. Such it remained, the wonder of strangers and the unconsidered pride of its possessors, till 1835, when it was swept out of existence to make way for the very dubious "improvement" of Victoria Street. The antique timber-fronted mansion at the Bow Head—than which, in the judgment of the same authority, "nothing in the Old Town was more picturesque or more characteristic"—survived unto my own day. Condemned in 1878 by some municipal jugglery as a menace to the safety of the lieges, so Mr. Home informed me—a few slates had fallen from the roof in a winter gale—this venerable fabric defied the ordinary machinations of the housebreakers, and its demolition was hardly to be achieved by blasting! Over against it, at the junction with the Lawnmarket, stood of old the Weigh House or Butter

[1] *Amongst the Last and dying Words of the Tinclarian Doctor*, p. 19.

[2] *Old Houses in Edinburgh.* Drawn by Bruce J. Home. Second Series, 1907.

THE OLD BOW HEAD.

(From a drawing at the time of its demolition in February 1878.)

Tron, until removed in 1822 to give more space for the public entry of His Most Spacious Majesty, King George the Fourth.

Within these classic bounds, thus ruthlessly despoiled of beauty and interest, was situate the emporium of the Tincklarian Doctor, William Mitchel, pewterer and prophet, preacher and poet, and peripatetic pamphleteer. "Tell him" (he addresses the reader) "I am standing at my Shop Door at the South side of the Butter Weigh House, waiting for him."[1] "The abode of this singular enthusiast," writes Chambers in 1825, "has been pointed out to us, as that low cellar on the west side of the Bow Head (No. 19), now occupied by Mrs. Philp, a dealer in smallwares; here he is said to have delivered his lectures to the *élèves* of the Bow Head University."[2] It was fitting that as a tinplate worker or white-iron smith Doctor Mitchel should have plied his trade there, for that profession had been long predominant in the Bow, and within its "sanctified bends" was scarcely a shop occupied by any other tradesmen. Robert Fergusson includes among his matchless notes on the old city life the following reference to these artificers, upon the occasion of Leith Races :—

> The tinkler billies i' the Bow
> Are now less eidant clinking;
> As lang's their pith or siller dow,
> They're daffin' and they're drinking.

Of the personal appearance of our subject we are fortunate to possess a first-hand account, for in one of his dedications to Queen Anne he writes :—

> Most Mighty Princess, I want a little Money to Print these Books, having formerly Money, but my House and it Burnt; and if it may please Your Majesty to take these things to Consideration, I would come myself to Your Majesty, but there are two Impediments stands in the way. First, I have no Money to carrie me up. 2d, I have a Loving Wife, with some small Children, that hinders me. For my Wife Lives much upon Sense, but I Live much upon Faith. And although I should

[1] *The Tinklars Speech to the Laird of Carnwath*, p. 6.

[2] *Traditions*, i. 129

come, I am nothing but a little Black Man, Dull like, with two Scors upon my Brow, and a Moll on my Right Cheek. I give these Marks to Your Majesty in case any Person come up in a Counterfit Manner. Yet notwithstanding of these, if I had Cloaths I would look as Big as some of the Gentle Men in Brittain, and I hope Your Majesty will be pleased with these Reasons given. If ye desire me to come, I will Run tho Bare Footed.[1]

From internal evidence we know that he was born in 1670, but he tells us nothing about his birth and parentage. As he was " convinced of sin " under the ministry (1692–1702) of the Rev. James Hart of Ratho, it seems likely that he belonged to that parish, but the Register of Baptisms therein does not commence till 1682. " I was never so long at school," he says, " as to read over the Bible " ;[2] he was amply to make up for lost time later. Of his childhood he records : " I mind, when I was not Eight Years old, I was a great Swearer ; when my Parents stroke me for it I swore the more, because I could not be revenged on them." [3] He must have been a charming boy. The following is his own version of his spiritual time-table :—

All Persons that are openly Wicked and are not Ashamed of Sin but Declare it, as Sodom, as I was before I was 14 Years of Age, here ye may see your Thoughts.

All Persons that Lives only in Morality and Earthlie Mindedness, and knows no more than I did before I was 17 Years Old, here ye may see your Thoughts.

All Persons that lives under the Law and Apprehensions of the Wrath of God for breaking His Laws, as I did before I was 21 Years of Age, here ye may see your Thoughts.

All Persons that Lives in the Light of God's Countenance, as I did for a short time, here ye may see your Thoughts.

All Persons that Lives under Temptations and Desertions, as I did near 13 Years, here ye may see your Thoughts.

All Persons that Lives in the Sin of Backsliding and Hypocrisie, as I did near 4 Years, here ye may see your Thoughts. Here ye may see the great Mercies of God in Christ for Pardoning such a Sinner as I was.[4]

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[1] *An Introduction to the First Part of the Tincklars Testament.*

[2] *Amongst the Last and dying Words of the Tinclarian Doctor*, p. 19.

[3] *Ibid.*, p. 108.

[4] *An Introduction to the First Part of the Tincklars Testament*, p. 4.

All we glean concerning his father is that " his Trade was a Cooper, his Religion was Episcopal, his Profession was far above the Bible, or rather beneath it, as you shall hear in this Sermon." [1]

There is no means of knowing the date of Doctor Mitchel's establishment at the Bow Head—" I began," he tells us, " upon a Crown, and a Poor Trade "—but in 1697 he was appointed official lamplighter to the city. " I have been about Edinburgh," he writes in 1711, " these 14 Years, and I never had a post in it but one : and this was to Light the Lamps. I keept this post all that time ; in the Year 1706 I got an Act of Council to keep these Lamps, which cost me five pounds Scots. The nixt Year there arose a new Council which knew not me ; they took away my Post without any Malvers[ation, *i.e.* on his part], and so brake my Act of Council." [2] Elsewhere, with reference to this sore subject, he mentions among his manifold misfortunes :—

> The loss of my Sallarie for Lighting the Lamps to the Good Town, which I had their Act for it. But our Provost took it from me, with the Rest of the Council, Viz. Because I was Faithful in my Trust. There is some of the Council desires None to have a Post but them that is like themselves. I will make it appear by many Witnesses, The Man that had these Lamps before me took Ten Pound, and I took but Five, because the Town was in Debt ; and also much less Oyle. Them that does them a Good Turn they forget, but they do not forget them that does them an ill Turn.[3]

In 1710 he had sustained much damage by reason of a fire in his house : " I lost 13 Hundred Merks the Year before by the Fire at the Bow Head, which was a great part of my Stok." The blame of this disaster he lays at a fair neighbour's door :—

> She bought a House near mine, but she could not get it to her mind ; and some says God burnt it, to Humble her ; and some says the Devil

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[1] *A Wonderful Sermon concerning Divine Predestination*, p. 2.

[2] *Great News, Strenge Altcration concerning the Tinckler*, p. 2.

[3] *A Part of the First Part of the Tinklars Testament*, p. 3.

burnt it, for Envey of her Neighbours ; and some says she burnt it herself, because the Wrights laid the Floors with Fir Dails that had Knoats upon them. But I am raither in the thoughts she burnt it herself to get a Name, because none would give her a Name for Good.[1]

Among his other troubles he includes the oppression of the magistrates, who no sooner " sees a wise Man begin to Thrive then they Plot and say, ' If this Man be not hadden down he will up and war us all ' ; and then the Magistrates fines them for a small Fault, and the Stent Masters [Burgh Assessors] takes their Part ; they will hunt so many Souldiers upon them and Rob their House ; their Envy carrys them so far against me as to make me Pay them four times more Stent [local rates] then another Man that gets four times more Trade ; this I shall prove before the fifteen Lords." An additional grievance : " I put up a Shovell-board Table [outside his shop, for displaying of his wares], to help to win my Meat, but they ordered me to take it down, otherwise they said they would break it." Finally, he observes that " the Government of Edinburgh is as the Government of the Fish in the Sea : the great Lives upon the small." [2] As a further instance of " the oppressor's wrong, the proud man's contumely," he states :—

The Laird of Cramond hath laid down a great Kearn [cairn] of Stones before my Shop door, which takes away my Light ; they have lyen near these two Years (because he is Rich) upon the High Street ; And if I would lay down but two Kerts full, I believe they would not ly 24 Hours. And more, I pursued a Man to the Court, I could both Sworn and proved that he was Owing me, yet because he had a Blew Clock and a Campaign Wigg, the Judge would not take his Oath and would not believe my word ; because I looked poor-like I got no Justice at that time. *I had a mind to buy a Blew Clock, that I might get Justice*, but I was Disappointed with the Dreadful Fire.[3]

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[1] *The Tinklars Speech to the Laird of Carnwath*, p. 6.

[2] *The Tincklarian Doctor Mitchel's Letter to Mr. Humphry Calchoun of Tillihewn*, p. 2.

[3] *A Part of the First Part of the Tinklars Testament*, p. 21.

Indeed, as a litigant, the Doctor seems to have been as unlucky as Poor Peter Peebles, who perhaps derived some traits from his Tincklarian forerunner.

> I bought some wool from a Man, but he would not give it out of his house before I gave my Bill; the Goods was not weighed; I feared the Goods came not to so much Money, yet the Man perswaded me if it was not so he would restore me the Monie back. I believed his word, because I am a Simple Man. So I pursued the Man, thinking to get my Monie; the Judge told me I would get no Monie, altho there was 100 pound of it, so I went Home with less Monie than I came out. This Man's Name is W. Henderson, a Merchant foreagainst the Lucken-Booths; this I say that all Men may beware of him, for I am for the Publick Good.[1]

It has been suggested that Mitchel's brain was affected by these several afflictions, and that from this time (1711) he became the crazed white-iron smith of popular tradition; but I find no evidence of mental derangement in his writings, which abound in shrewd observations, pawky humour, and a lively appreciation of the follies of his fellow-men. His antic disposition was assumed, like Hamlet's, for his own purposes, and it would seem that he deliberately adopted an extravagant style to invite attention to his wares, heavenly and terrestrial. The keynote of his character, as I read it, is an overweaning vanity, as witness his employment of the Mitchell arms, with crest, mantling, and motto: "I Give Light," which embellishes many of his pamphlets; his self-appointed mission of "giving Light to the World," including all Christian Kings, Princes and Governors, Anglican prelates and Presbyterian divines; and his constant preoccupation with his own importance, the inveterate bias of his ego. But the preacher has ever a vigilant eye to the main chance; with him divinity and business walk hand in hand. No theological discourse, however elevated its sentiments or inspiring its message, but concludes with a recommendation of his temporal commodities; the advertisement of himself and

[1] *A Part of the First Part of the Tinklars Testament*, p. 21.

his vendible goods form the burden of his lucubrations. For example:—

If any wants my Wonderful Prophecies, ye have them at my Shop; the worth of them will never be fully known untill the Day of Judgement. And ye shall have good old French Brandie for two Pence the Gil. . . .

I have a good Penny-worth of Peuther Spoons, fine like Silver, none such made in Edinburgh; and silken Pocks for Wiggs, and French white Pearl Beads, all to be sold for little or Nothing. . . .

If any come to me and buy a White-iron Snuff-box, they shall have a Book for Nought. My Name is William Mitchel, that the Whore of Babylon may know me. . . .

Any that wants the Great Doctor Mitchels Tincklarian Works may have them all bound, or unbound, at an easie Rate, at his Shop, the head of the West Bow of Edinburgh.[1]

Between 1711 and 1714 his modest output was twenty-five tracts in quarto and folio, to some of which I shall return later. Meanwhile, pursuing his personal adventures, we find him in the year 1719 established in Glasgow, whither he had fled "because of Oppression." In dedicating to the Lord Provost and Corporation in very fulsome terms the first of his two publications relating to that city, he writes:—

Altho I be in a manner a Stranger to your Lordship and Honours, yet the rarity of your unblemished Walk in this ignoble Age and the Eminency of your Heroick Spirits, invites me to cast my Anchor on the firmest bottom in thir tottering Times. . . . I have read of great Princes have stouped so low from their Power that they have conferred their Princely Favours to the meanest object of their People, and thankfully received it as it were a few drops of Water from the Palm of a Poor Man's Hand, which Acts of Acceptance and Respect hath more enobled their Names unto Posteriority then all their great Deeds and wonderfull Actions; so the Consideration of these things makes me so bold as to present this Paper to your Lordship's Protection and Acceptance. I could write much more to your Praise and Commendation: it would

[1] *The Whole Works of that Eminent Divine and Historian Doctor William Mitchel, Professor of Tincklarianism in the University of the Bow-head, passim.*

take much Time; your own Works shall praise you in the Gate; ye need not our Praises, but our Imitation.[1]

He commends the recent erection of two free churches, in which the poor may hear the Gospel gratis and be allowed "to sit in the body of the Kirk, forgainst the Pulpit." "It is not so in Edinburgh," he says; "the Poor must stand in the outside and only hear a Voice." As to his own treatment by the men of that wicked city, he observes:—

If God gives the Devil Permission, what would he not do? All the Devils in Hell in a manner was hounted after Manasah to worrie him, they wrought and gurried so upon him that they made him like themselves for wickedness; there was seven Devils hounted on Mary Magdalen to worry her; there were several wicked Men Hounted on the Woman of Samaria to worrie her; and he hath hounted 24 Men in Edinburgh upon me to worrie me, and hath taken away my Bread, besides that Man in the Cannongate that the Devil hounted after me 20 Days, and I was laid in Prison only upon his own Word, no other Accusers nor Witnesses to be seen. Our Deackon sicklike threatened me to Prison, and fined me and took my Goods from me, all upon a Woman's Word. . . . I went to the Conveener to complain, he would give me no Justice; I went to the Dean of Guild to complain, he would give me no Justice. By this ye see I got not that Justice that Paul got from the Roman Heathens.[2]

The cause of his imprisonment was, he tells us, a remark made by him touching a certain lady's farthingale (an article of apparel upon which he has a very ill-favoured pun), to the effect that it was "Whorish-like." "But she was a Ministers Daughter," so the jest landed him in the Tolbooth. Thus, "when I am persecute in one City, our Lord commands me to Flee to another." He proposes to write a discourse concerning Quakers, from whom he had a peculiar aversion—"before I leave them, I have a mind to kill them as dead as a Glasgow Broun Salt Herring"; and concludes with the customary advertisement:—

This and other Books are to be sold, together with all sort of White-iron Work to be Made, mended, and Sold at the Authors Shop in the

[1] *The Tincklarian Doctor Mitchels Strange and Wonderfull Discourse to the Magistrates of Glasgow.*

[2] *Ibid.*, p. 7.

Calton at Glasgow, without the Gallowgate Port, all for little or nothing. Amen.

But his city of refuge proved no abiding one, and in three months he returned to the capital. " I went from Edinburgh to Glasgow to seek Justice," he writes, in a highly unflattering account of its inhospitable inhabitants, " but I was out of the Dub in the Mire. I was a Fool for my Pains, because Solomon told me before I went that there was not a Just Man about all Glasgow ! "

The time I was at Glasgow some of them Stole my made Work, and some of them Robed me of it ; some of them Stole my Lantron Horns, and some of them Robed me of all my Brandy, and some of them Stole my Cloathes, and some of them Stole all the Money I had in the World. I Wrot to their Praise, indeed, but I was wrong informed. The simple Man believes every Word, says Solomon. The first time I looked upon them, and by what I heard of them, I thought they were a wise kind of People ; but after I tryed them and examined them, I found it contrary to what I wrote to their Praise.[1]

The Provost offered to make him a burgess, but he declined the honour : " I would rather be a Coliar ; I would see more Light in a Coal-Pit then I could see among the Magistrates of Glasgow. They said they would give me their Lamps to Light ; but I would rather live upon Bread and Water, for if I wan Silver the Night, they would Steal it from me the Morn. They are not the People I took them to be." He had conscientious objections to the droves of sheep and oxen that came into the town on the Sabbath day to be sold ; to the irreverent behaviour of worshippers in the High Kirk, " casting snuff in others Eyes and Plucking others Wiggs " in time of service ; to the printers, " just after their long Prayers," vowing they had no paper for his books, when " they had many Men at Work Printing Ballads " ; and, above all, to the cold reception accorded to his former appreciative treatise.

After my *Strange and Wonderful Discourse* came out to the World their thick Sculls call'd it Blasphemy, and hindered the Cadys to cry it

[1] *The Tincklarian Doctor Mitchel's True Discription of the People of Glasgow*, p. 1.

throw their Town. I went to their Provost to speak about it, but he said to me he saw no Edefication in it. . . . I can brag all the Bishops in England and all the Universities in the World to Writ so much Sense on so little Paper.[1]

The merchants were unduly puffed up by their profits from " the Virginy Tread and the Draw-back of Tobaco—altho' they burn it they make the King to pay them the Draw-back." Of the Glasgow dames he gives a most ungallant report :—

I shall only write of the first I met with, and cast the rest aside. She hath a brave House and keeps a Chainge, and she hath four Gold Rings on her Hands. When I went to her House she kissed me and sang to me, and danced before me like that young Whore did before Herod, and none was with us but good and bad Angels to see how I beheaved. She said to me I should not want Money if I would be kind to her . . . but I wan off like Joseph.[2]

Finally, in shaking from his feet the dust of that perfidious city, he concludes :—

Before I writ any more to the People of Glasgow I shall rather go to Twedal [Tweeddale] and sit down and writ to a flock of Sheep. *I cannot be reconcealed with them because they called my wonderful Book I wrot to them Blasphemy.* The Queen of Sheba went away wondering and admiring home at the Wisdom of Solomon, and I came wondering and admiring home to my Wife at the Ignorance of the People of Glasgow.[3]

On his return to Edinburgh he resumed his literary activities, and ten more folio and quarto tracts appeared in 1719–20.

Early in the latter year occurred the Doctor's memorable expedition to West-Calder, for the purpose of casting the Devil out of Lord Torphichen's son. Patrick Sandilands, third son of James, Baron Torphichen, being grievously vexed with a devil, was a young gentleman of the same school as Christian Shaw, the engaging impostor of Bargarran, of whom I have elsewhere given some account.[4]

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[1] *The Tincklarian Doctor Mitchel's True Discription of the People of Glasgow*, p. 2.
[2] *Ibid.*, p. 3. [3] *Ibid.*, p. 8.
[4] *The Riddle of the Ruthvens*, pp. 229–253. Edinburgh, 1919.

This interesting youth feigned to be bewitched by sundry local sorcerers. He indulged in trances, prophecies, and levitations; those denounced by him as his tormentors were apprehended, a fast was proclaimed in the parish, and the Rev. Mr. Wilkie of Uphall preached, supported by two of the confessants. This sermon was by desire of my Lord afterwards printed, and it is therein stated that three other of the accused subsequently acknowledged their guilt. Of the witchwife aftermentioned it is recorded: "She, with all her hellish accomplices, died in custody, after they had confessed many amazing incantations, and horrible unheard of Witchcrafts." [1] The affair made a great noise, and Doctor Mitchel in person sallied forth from the capital to give battle to the Accuser of the Brethren.

I went to Calder the 14th Day of January 1720, before the Day Light, being eight Miles, in ill weather, fasting, on my foot. I took the sword of the Spirit at my Breast, and a small Wand in my Hand, as David did when he went out to Fight against Goliah; so I went to cast the Devil out of my Lord Torphichan's Son. So ye see that I was not Lying in my Letter that I wrote to Tillehewn, when I said Peter and I were two bold Fellows. When I went to his House his Servants were Eating and Drinking, although he had appointed it to be a Fast Day, in order to get the Devil out of his House. I do think they might have fasted untill the Sermon was over upon such a weighty Business; and they offered me some, but I took neither Meat nor Drink of his. Some think it a Fast Day when they hear a Minister Preach for payment.

Then I went to my Lord and said I was sent by God to come to cast the Devil out of his Son, by Faith in Christ. He seem to be like that Lord who had the Charge of the Gate of Samaria. Then I said to him, "My Lord, do ye not believe me?" Then he bad me go and Speak to many Ministers that was near by him; but I said, "I was not sent to them." Then he went himself and Spoke to them what I had said, but they would not hear of it, more then Lot's good Sons would hear him; so I went to Three Witches and a Warlock to Examine them in sundry Places; two of them denyed, and two of them confessed. I have not room here to Relate all down that I said to them and what they said; but I asked, "When they took on in that Service?" The Wife said, "Many Years"; and the Man said, "It was Ten Years to him."

Then I asked the Wife, "What was her Reason to take on with the

[1] *Satan's Invisible World Discovered*, p. 264.

Devil ? " And she said, " He promised her Riches and she believed him." Then she called him many a Cheat and Liar in my Hearing. Then I went to the Man, because he was a great Professor, and could talk of Religion with any of the Parish, as they that was his Neighbours said, and he was at Bothell-Bridge fighting against the King ; and because of that I desired to ask Questions at him, but my Lord's Officer said to me his Lord would not allow me ; but I said I would not be hindered neither by my Lord nor by the Devil, before many there present. Then I asked, " What Iniquity he found in God that he left his Service ? " Then he got up and said, " O, Sir, are ye the Minister ? " So ye see the Devil knows me to be a Minister better than the Magistrates ; and he said, " He found no Fault in God, but his Wife beguiled him " ; and he said, " Wo be to the Woman his Wife," and blamed her only as Adam did his Wife and the Wife blamed the Devil ; so ye see it is so from the Beginning. This is a Caution to us all never to hearken to our Wives except they have Scripture on their Side. Then I asked at him, " Did he expect Heaven ? " " Yes," said he. Then I asked at him, " If he could command the Devil to come to speak to me ? " But he said " No." Then I said again, " Call for him that I may speak with him." He said again, " It was not in his Power." Then my Lord sent more Servants that hindered me to ask any more Questions, otherwise I might have seen the Devil, and I would have Spoken about his Son.[1]

This passage is exemplary both of the Doctor's narrative style and of his complete self-confidence. The episode seems to have intrigued him, for he returns to it in a pamphlet published seventeen years later, in which, after giving a fuller account of his conversation with the warlock, he proceeds :—

I chased my Lord's Son the length of Berwick ; I saw my Lord's Son there, but when I was about to cast the Devil out of him, the Devil gave orders to My Lord Mayer to cast me in a Dungon, where I lay near ten Days, and I got Meat once a Day. At last I was set out ; then I went to Newcastle, there the Devil entred in the Sogers, they drew their Swords to stick me ; then I went to London, the Devil entred in the Candle-makers there, they chased me on the Streets to kill me ; then I went to France, I went throw the King of France's Horse Guards and his Foot Guards to his Coach ; I gave him a Book wherein I abused the Pope and cried up the King ; the King smilled to me, but his Language

[1] *Doctor Mitchel's Strange and Wonderful Discourse concerning the Witches and Warlocks in West Calder*, pp. 1, 2.

was confounded, so that I know not what he said. None had power to wrong me in France.[1]

The inveteracy of this diabolic persecution may be taken as an infernal tribute to the exorcist's powers.

In the same year took place the visit to London, where three or four of his tracts were published. He had no great opinion of the piety of the citizens: "I have been forty eight Years in this World," he observes, "but I never heard God so abused in all the Nations that I have travell'd as I have heard his Name abus'd within this Month in this City of London."[2] His impressions of England and its people, with one notable exception, are far from favourable:—

England is a fat Country, they and their Beasts are exceeding fat; their Beasts are so large and so fat when they are killed their Flesh looks liker Tallow than Flesh. Their Beans, Wheat, and Ry are two Ells long, and much of their Grass is mowed thrice in the Year. It is a levell Country that I may see fresh Water run an hundred Miles Day and Night throw it. Much of it you will not see a Mile about you for Trees and Hedges. They are worldly-wise Men and their Belly is their God. *They take no Delight in divine Books* [*i.e.* his own]. They have much Talk, which is the Mark of a Fool. Their Worship is: on with a white Shirt, reads Prayers in the Presenters Seat upon a Book. When he is done he goes off. Then another goes to the Pulpit, and he reads a Sort of a Sermon on a Book. The Scots Herds will read better Sermons on their Books than any Bishop in England reads in the Pulpit.[3]

It appears that, like his countrywoman Jeanie Deans, he had an audience of Queen Caroline at Richmond Park, for in dedicating to George the Second one of his sermons he writes:—

Great King, give my Service to your most gracious Queen, and tell her most excellent Majesty that I am yet alive. I know that her most excellent Majesty will be glad; her most Excellence gave me Two Guineas when I was in England upon Richmond Walks, and asked if

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[1] *The Tinklarian Doctor's Catechism*, p. 2.

[2] *A New and a True Prophecy written by a Wandering Jew from Scotland*, p. 2.

[3] *The History and Mistery of France and England*, p. 2.

I was the Man that put out the Books, and also where I lived and what was my Trade, and if I had a Wife and Children.[1]

He retained a lively sense of her Majesty's gracious condescension, and expresses a hope " to see her most worthy Person shinning in Glory." He was vastly taken with the Princess of Wales, and waxes lyrical in praise of her attractions :—

I would cry her up before all the Women in Britain ; I will not except my own Wife. She is a Credit to all the Women in the three Kingdoms, they are not worthy to dight her Shoon. Janet Robertson, James Rankin's Wife, the Writer, resembles her in some Measure, but she falls far short of the Princess. *I admired her most when she was filling my Hat with Gold.* We read of Queen Esther's Wisdom and Beauty, but it is not to be compared to the noble Princess of Wales ; she is indued with all good Qualifications, and if I should enlarge upon them they would fill up many thousand Rims of Paper. Not only that, but I would sink with the Admiration of her lovely and comely and graceful and wise and beautiful Person.[2]

Verily, Her Royal Highness got good value for her money, and the Writer's wife must have been proud to be the runner up. The views of Mrs. Mitchel on the subject are unrecorded. She had, as we shall find, to suffer worse things at the hands of her unconscionable lord. His explanation of why so many Scotsmen forsake their native country for an English domicile is novel and ingenious :—

For all the Wit I have, I cannot understand what it is that makes them go, except it be for the English Women ; I have tried both the Scots and the English Women, and I know no difference between them ; and if any Man should know it, I think I should.[3]

His account of the French, to whom he next proceeded to " give Light," is not more flattering :—

The English are much sharper in their Wits than the People of France. The People of France is a dull Kind of People ; when I gave them my Money to change they could hardly count it. It is easie for a

[1] *Amongst the Last and dying Words of the Tinclarian Doctor.*

[2] *The History and Mistery of France and England*, p. 10.

[3] *A Short History to the Commendation of the Royal Archers*, p. 5.

cunning Sharper to make himself rich among them. France is a pleasant Country as any can desire to look on. Much of it you will see twenty Miles about you, and in that Bounds you may see many little pleasant Woods and Valleys, no barren Hills nor Heather. Some of their Ground is exceeding fat, but the most Part of it is poor, dry, and sandy. Their country People is slothful; they let their Corn ly on the Ground till it be black like Muck, after it is cut down. Their Eldin [fuel] is all Wood, and the poorest Sort have Timber Shoon.[1]

He has much to say about the vineyards, which were new to him. Paris struck him as "round like Leith, but clean Streets; they sweep them." "There is a great River runs West throw the Middle of it, and many Bridges on it. There is an Island in the River in the middle of the City; it appears to be more nor [larger than] Edinburgh; a big Kirk in it called St. Marys; they say there is Five hundred Priests belongs to it."

Their King's House is more than Half a Mile long, built by the River Side; at the one End of the House there is a large pleasant Garden, with many wonderful Water-works where Water goes up from Water constantly to the Air, and many Pools in it with Boats in them, and the Pictures of great Fishes, and also many wonderful Statues of Angels, Men, and Horses, and beside the Garden there are pleasant Walks among big Trees, three Miles long.

During his two months' stay in Paris he was hospitably entreated by the citizens. "They are honest themselves, they think others are so. *The People of Glasgow would make a bra Hand among them;* they that go to Glasgow had Need to watch their Purses."

I think their King's Court is six Times biger than the King of Britain's. His Guards have all Feathers in their Hats, and their Horse's Tails are to their Heells; and their King [2] is one of the best favoured Boys you can look upon, blyth-like, with black Hair; and all his People in general are better natured than either the Scots or English, except the Priests. Their Women seemed to be modest, for they have no Farding-gales.

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[1] *The History and Mistery of France and England*, p. 3.

[2] Louis the Fifteenth, then a lad.

It's a thousand Pitys that such a People are so blind led by their Priests in their Manner of Worship.[1]

He then proceeds to give of the rites and ceremonies of the Catholic Church an account which for rudeness and crudity would do no discredit to the pen of John Knox—the only blemish in this, the most readable and delightful of his works. "The greatest Wonder I saw in England," he concludes, "was the Braness and Bigness and Highness of St. Paul's Church; the greatest Wonder I saw in France was to see the bra People sit down on their Knees on the clarty Ground, when the Priest comes by carrying the Cross, to give a sick Person the Sacrament." Not his the broad and tolerant mind of the author of *Religio Medici*. Our pilgrim's return home by sea, and the perils of the deep from which he hardly escaped alive, are thus movingly described:—

Ye may know that the Devil and D. A. the Coper Smith hath done Paul and I much Evil. The Devil thought to have drowned Paul when he came to writ to the Romans, and he thought to have drowned me, when I came to writ to the Scots. We was forced to go to an Harbour three Times, and once the Ship ran a Ground. We wrought Night and Day or [before] we got her off. We rouged at both Main and Tail and other Places we might best weal, and I bad her take the Wind; so after the Captain had lost hope and forbad his Men to work, the Wind drove her to the Sea, and they tyed up her Head or Rither. Instead of coming to Scotland she ran the Way to Norraway; we saw Land near Aberdeen, but we could not win at it. I went on Deck to look to the Sea, I saw the Waves like Mountains come on and cover the Ship with great Strength; they would dung down a Kirk. I thought it time to pray, and after my Prayer I thought I saw the Devil like a Black Dog Barking at the Moon. And the more I was shaken to Side to Side in the Ship and the Things that were in her, I laugh'd and had the better sport, because I knew that the Devil could neither drown me nor the Ship, no more than a Dog can hinder the Moon to run her Stage. Many a Time the Captain and his Men said they would cast me over Ship Board, *but I was not sure of a Fish.* But the Wind changed, then every one of us came Home safe—(A weary Groum, Both weary, faint, and toum)—after a long and dangerous Voyage.[2]

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[1] *The History and Mistery of France and England*, p. 5. [2] *Ibid.*, pp. 8, 9.

Thirteen years later he reverts to this alarming experience :—

> The last time I was on Sea, coming from London in Captain Boswel's Ship in Kirkaldie, the Ship was almost broken because I was in it. The Devil thought to drown me for coming back to Scotland to reform the Churches, as he thought to drown Paul for coming to reform Europe. Many a Time the Captain said he would cast me over Shipboard. I was about a Month on Sea in a great Storm, in the Month of November, and little or no Meat.[1]

Whether or not the rôle of Jonah had for the time exhausted his energies, or whether, as has been uncharitably surmised, the prophet was then, as Cousin Feenix would phrase it, " in another place "—to wit, the Tolbooth, for we know that he " was long in Prison for telling the Truth "—certain it is that after his return from abroad in 1720 the Doctor published nothing for the next eleven years except, in 1728, a volume of sermons dedicated to George the Second, with the funereal title : *Amongst the Last and dying Words of the Tinclarian Doctor.* The title, happily, is inaccurate, for the author was to continue productive for ten years longer. Before discussing this work, however, advantage may be taken of his temporary silence to give some account of his marital situation.

We know from himself that he was twice married and had begotten a numerous progeny, but as usual with his loose method of narration, particulars of these transactions are to seek. Fortunately I am able to supply, from two unique broadsides in the collection of Lord Rosebery, some further facts relative to the Doctor's domestic arrangements. As the happiest reigns are said to be those that have no history, so from his silence regarding his first wife we may assume that the union proved congenial. He has plenty to say, as we shall presently hear, about the lamentable result of his second venture. The headings of the respective broadsides are as follows : (1) *An Elegy upon the much Lamented Death of Janet Hill, Spouse to the Famous Tin-*

[1] *The History and Mistery of the Tinclarian Dr William Mitchel,* p. 11.

clarian Doctor William Mitchell, who departed this Life, 13th of October 1716*;* and (2) *A Wedding Song upon the Famous Tincklarian Doctor William Mitchell, and Ann Stewart. Who was Married upon the 2nd of April* 1717. We gather that Janet Hill was a virtuous and worthy helpmate, though somewhat lacking in appreciation of her lord's literary gifts—few and fortunate are the writers whose works form the favourite reading of their wives.

The honest Woman all the while,
Who at such mad Attempts did Smile,
Behav'd herself without all Guile,
And shook her head
To understand such Workings vile,
But now she's dead.

In compensation for her failure in taste, she was diligent in her attention to the practical side of her husband's business :—

In Time of Tempest, Wind, and Rain,
She did not spare for Love of Gain
To travel through with Might and Main,
And Baggage lead,
Unto the Fairs, both blyth and Fain,
But now she's dead.

Likewise at Home she carefully
To sell her Ware herself apply,
And ev'ry Way industriously
Without all Greed,
Did gather Money Night and Day,
But now she's dead.

Little wonder that the Doctor was desolated by the loss of so valuable a partner, and hastened to supply her place as expeditiously as decency permitted.

The Doctor now doth only want
A Wife who well can busk and rant,
And values not tho' she's no Saint;
He can her breed
If she is not of Money scant,
For Janet's dead.

The Epithalamium or nuptial ode is unfortunately not quotable to ears polite, consisting as it does of very gross and scandalous aspersions upon the Doctor's moral character and conduct, as well in the lifetime of his former spouse, as during the six months that he remained a "wanter." And indeed it must be regretfully admitted by his biographer that these calumnies receive some countenance from the Doctor's own confession to what Mr. Weller Senior deemed "a amiable weakness." But to this painful topic I shall return. His post-nuptial writings contain several references to the second Mrs. Mitchel in relation to her lord. In a pamphlet dedicated to the Prince of Wales, after expressing sympathy with His Royal Father in the heavy burden of sovereignty, he proceeds :—

It is a Wonder to me how he is able to rule over so many wicked subjects, for I am not able to rule over my own Wife. He must be a wise King ; we should be thankful, and pray for him. Paul commands me to render unto my Wife due Benevolence, but I am not able to obey him ; so I have but little Peace with her. If His Majesty be pleased to take her, he shall have her for nothing. I fear she will not take the King, because he is of Age. She swears that she will not marry an old Man after me, and if the King will not take her, he may send her Abroad. He will get a sturdy Soger for her. She is about Twenty Years younger than I am ; she cares not for me and I care as little for her. She is proud, because she is called Anne Stewart after Queen Anne. This is a Caution to all old Men to the End of the World never to marry a young Woman, lest ye get your Kail through the Reik, as I do.[1]

Like the famous bill referred to in the "Trial" in *Pickwick*, there is no date to this document ; but we find him, in 1731, "in the Sixty first Year of his Age," thus resuming his domestic moan :—

If I was young, as I am old, I would not abide in this Place. You will say, will I forsake my Wife and small Children, when there are three of them that cannot put on their own Clothes ? I say, the Scripture say it will be better for me to leave them than to abide with my Wife. It is better for me (says Solomon) to be in the Wilderness than with a contentious Woman. Every Man should bear Rule in his own House, as you read in Esther ; and I am not able to do this, so I am in a sad

[1] *A Wonderful and a dreadful Speech, with a pleasant Prophesy*, p. 7.

Condition. You will maybe say I strike my Wife. I confess it is true I struck her on the Head ; for Solomon told me that a Fool's Mouth calleth for Strokes. He says also if I spare the Rod I hate the Child : for she is but a Child in Comparison of me, I being twenty Years older than her.[1]

He further states : " When I married her I was the worse of Drink ; and a drunken Man being also in my House at the Time, ran for a drunken Minister. I mind little he said ; but this I mind, he gave her orders to obey me." Good luck was unlikely to attend a union contracted under such unhallowed auspices. In his famous sermon, preached on 19th January 1734, " before Hundreds of Students of Divinity, in the Pulpit in the Divinity-Hall of the College of Edinburgh, which was approven of by them," upon the text : " Women who are possest with an ill Spirit," he does not scruple to point a moral from personal experience. After dealing with the difficulty of casting out devils, he observes : " Yet I can dispence better with all the Rest than I can do with my own Wife ; for if I chance to cast the Devil out of her this Night, he will be back the Morn." He counsels his hearers against marrying a young woman : " If ye do marry, ye must marry some old chast Maiden, who knows nothing of those Pranks and Pliskies of canty Concupiscence." The phrase is strangely reminiscent of Galt, and reads like one of Leddy Grippy's incomparable observes. " I know," he continues, " these are ill to be had ; but whosoever findeth such a Woman, findeth a good Thing, says Solomon." These views, be it noted, were expressed in " the Sixty fourth Year of his Age " ; he had not always held them. And indeed in this very sermon he naïvely admits : " I never cried them [women] so much down till I grew old, and neither did Solomon." Finally, he has a word upon widows which would have been warmly applauded by Mr. Tony Weller :—

I exhort all and every one of you, never marry a Widow, unless her first Husband hath been an Eunuch or hanged, lest ye find the frost of it

[1] *A Wonderful Sermon Preached by the Tinclarian Doctor Concerning Divine Predestination*, p. 38.

as I have done, for my Wife calls me "Doctor. . . "[1] How dare any Woman complain against me, when I have begot 15 Children with my own Wives, *besides Bastards*? Solomon loved many strange Women, so did I; he was called wise, so am I called; but I know there is none of us has been wise, otherways we would never have given them our Strength. My Wife's first Husband was a strong able Fellow and I am far short of him; and because of that, many Times I get My Meat thro' the Reik or else in a riven Cog.[2]

He takes much credit for having resisted certain overtures made to him while in Paris by "Duke Hamilton's Kitchen Woman," when he was "wonderfully tempted, but escaped the Net"; and warns less virtuous persons of the material punishment attending such transgressions, which he metaphorically denominates "The Canongate Breeks." No doubt the students were highly diverted, if scantly edified; but one wonders whether this amazing discourse was equally "approven of" by the Professor of Divinity.

The reference recalls an earlier sermon "Concerning a Pair of Breeches, preached at the Abbay of Holy-Rood-House, April 1732." Doubtless a joke is here intended, for "the Abbey" was the technical term for the bounds of Holyrood, wherein of old debtors sought sanctuary from arrest.[3] For the selection of so singular a text he gives the following reasons:—

First, I have a continued War with my Wife who should wear the Breeches. The second Reason is, I was one Day in the Town called the Water of Leith, and Cockburn, the Merchant in the Luckenbooths, came in my Company; and he looked to my Breeches, but they were riven. He pretended Charity for me, and he promised me a Pair of Breeches before I asked them of him, before faithful Witnesses; and this is the Reason I have chosen *A Pair of Breeches* for my Text.[4]

From this incident he deduces the doctrine "that it is a

[1] An opprobrious and unladylike epithet, now unprintable.

[2] *A Wonderful Sermon Preached by the Tinclarian Doctor upon the Nineteenth Day of January* 1734, pp. 6, 7.

[3] Cf. *Chronicles of the Canongate.*

[4] *A Wonderful Sermon Preached by the Tinclarian Doctor Mitchel to a Drunken Congregation*, p. 1.

great and damnable Sin to promise any Thing to a poor Man and have no Mind to give it, especially a Pair of Breeches."

I told my Wife that I was to have a Pair of Breeches and she rejoiced, trusting in the Breeches ; but the Devil being in him we was both made Liars like unto him, because we told our Neighbours that I was to have a Pair of Breeches. But when I went to seek the Breeches, he said to me that he would give me no Breeches. He abused me with his Tongue, and threatned me with Prison ; so all our Joy was turned into Mourning, because I could not get a Pair of Breeches. Ye may say, What sort of Breeches did he promise me ? for there is many Sort of Breeches ; I say, He promised me a Pair of Black Plush Breeches, and not the Canongate Breeches.[1]

He warns his hearers against believing the word of any man, for all men are liars, saith the Scripture. " That damnable Lie of his made me lie a hundred Times by telling my Neighbours that I was to have a Pair of Breeches. Such a Man as I am would not have made so many Lies if I had not thought I was Cock sure of the Breeches." Surely never was such a work made about breeches save when Tristram Shandy was first put into them!

His political principles, it appears, were as accommodating as those of the celebrated Vicar of Bray; for in an apostrophe to the King he exclaims :—

To be plain with you, I sway as the Bush sways ; while Queen Anne ring'd I wrote for the Race of Stuarts, but now I write for your Majesty's Race : whoever is made King, I'll be Subject. I hope your Majesty will not gar hang me for Treason, because I was never a Rebel.[2]

Finally, he addresses to His Majesty this humorous peroration :—

Great King, I render to your Majesty ten Thousand Thanks for laying so much Taxes upon Salt. I got Eggs to my Dinner the Day I wrote this, but I had no Salt to them, so I sought no Drink. By that your Majesty lost a Plack, which is your due of a Pint of Ale, but I saved a Peny, because I was not dry. Your Majesty could not contrive a better Thing

[1] *A Wonderful Sermon Preached by the Tinclarian Doctor Mitchel to a Drunken Congregation*, p. 2.

[2] *Ibid.*, p. 7.

for making the poor drunken Scots rich than by laying so much Duty upon Salt. . . . Besides that, I wear my Shoes by going every Saturday near a Mile of Way to preach to a drunken Congregation at your House in Scotland. I had few Hearers except Sir John Barley-Corn, who was Patron of the Parish, Sir Thomas Table-Beer, Sir Roger Red-Wine, Sir Martin Malago, Sir Walter Wort, and Sir Samuel Seck: these were of the House of Peers; and of the House of Commons: Simon Small-Drink, Mungo Malt, Michael Mackfats, Colin Caldrons, Bartholomew Barels, Patrick Pint-stoops, Benjamin Bakers, William Wort, Charles Chopins, George Gills, David Drymouth my Clerk, and Tom Thirsty-Thrapple my Officer. Beside this Catagory of Cupkissers I had but few Hearers; for since the Salt grew dear, all my Tiplers, Tent-Tasters, Beer-Biblers, Ale-Gusters, Liquor-Lovers, Brandy-Biblers, Wine Worriers, and Sack-Sucklers have deserted my Congregation.[1]

The 1728 volume before mentioned—*Amongst the Last and dying Words*—is interesting as being the longest of his works, and excepting *The Whole Works of that Eminent Divine*, collected in 1712, the only one issued by him in book form, the rest being mere tracts and broadsides. It contains three sermons, addressed respectively to the King, the Presbyterian ministers, and the Quakers. In the first, after propounding six questions to the Anglican prelates, he says :—

May it therefore please your Majesty to make your Bishops to assemble together and see if they have so much Wit amongst them all as to answer these Questions according to the Scriptures, and if they can do it I shall be content to live poor as I am; but if they cannot, then you must ordain them to give me some of their Stipend, and I shall teach them.[2]

As regards the ministers, they are his enemies, particularly those of the Tolbooth Kirk.

I lived two years in your Parish; you never came to my House to speak to me nor to none in my Family. I went to your Examine and was examined by you; I went to the Council House where ye give the Tokens to take the Sacrament, but ye would give me none. I went three

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[1] *A Wonderful Sermon Preached by the Tinclarian Doctor Mitchel to a Drunken Congregation*, p. 8.

[2] *Amongst the Last and dying Words of the Tinclarian Doctor*, p. 13.

Times to your House to seek one, but ye would give me none, nor to none in my Family, nor yet a Reason for it, [as] if you thought we was all going to Hell because we was poor. As true as the Bible is the Word of God, you have been unfaithful Watchmen over our Souls.[1]

In many of his other works, as we shall find, he continues his crusade against the ministers, who doubtless viewed with professional jealousy his poaching proclivities as an unwarranted incursion upon their spiritual preserves. "I must tell you," he informs the reader,

That when I was writing this Book I was greatly tormented with Pain; that I cried like a Woman in Travel; that I did many Time cast away my Spectacles and Pen. I was also greatly abused by my Wife; she said the Judgment of God was lighting upon me for reproving the Ministers. I said to her that she spoke as one of the follish Women, as Job's Wife did. She said she would burn this Book; I bad her forbear, for I knew it was rather the Devil that was tormenting me at that Time.[2]

"Mind, I am not an ordinary Preacher," he writes; "it is not for nothing that God makes use of a poor Tinklar to write to you, and to give you Warning in him; but I know that it is out of Time to many." And again: "I have written this because I have been such a great Sinner, as a Land-Mark or a Sea-Biken, that ye may not splite your self with these Sins I have been guilty of." With regard to the wisdom of avoiding even "the Appearance of Evil," he remarks:—

Peter might have bidden out of the High Priest's Hall, Dinah might have bidden at Home and spin upon her Rock when she went to see the Daughters of the Land, David might have been about another Exercise than standing upon the Head of his House looking to a naked Woman: I say, when we go Abroad wanting our Arms, we tempt the Devil to tempt us.[3]

"This Book might [have] come sooner to your Hand," he concludes, but for the intervention of the Prince of Darkness; "but Michael, who hath all Power of Heaven and

[1] *Amongst the Last and dying Words of the Tinclarian Doctor*, p. 21.
[2] *Ibid.*, p. 62. [3] *Ibid.*, p. 65.

Earth, hath helped me to carry it on against the Devil in my Wife. I was obliged to write much of it when she was sleeping."[1]

Between 1731 and 1739 some forty-four further pamphlets were published by the Doctor at the Bow Head Press, including his celebrated series of Catechisms and Epistles. Among the raciest and most amusing of the later works is an account of his journey to the north of Scotland, which he dedicates to the Countess of Wemyss. This being one of the "broadest" productions of a pen by no means narrow, it is surprising to find it offered to a woman of rank. An explanation is made in the Epistle Dedicatory:—

> Great Madam, you are crossed with your Husband, and I am crossed with my Wife. And of all the Women in Scotland, none of them understands my Books as your Ladyship doth, *which was made plain in your Ladyship's Payment.*[2]

Lady Wemyss, as appears, had been a cheerful giver. It was the footman of this lady, by the way, one William Maclauchlane, who four years later enjoyed the distinction to be tried before the High Court of Justiciary for participating in the Porteous Mob; but as the evidence proved him to have been "vastly drunk" during that popular demonstration, he was acquitted.[3] The object of this pilgrimage was to impart "Light" to those benighted regions, for which purpose he took with him "many of these divine Books, and Five Epistles which all the Clergy in Britain is not capable to answer." It would seem that the people of the North preferred their native darkness to the Doctor's illumination:—

> I was wounded by the Regiments in Stirling, I was robbed by the Presbyterian Ministers in Dundee, I was sadly persecuted by their Tongues in Aberdeen; many of my Books were stolen from me in

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[1] *Amongst the Last and dying Words of the Tinclarian Doctor*, p. 251.

[2] *The History and Mistery of the Tinclarian Dr. William Mitchel.*

[3] *Trial of Captain Porteous*, Notable Scottish Trials Series, p. 107.

Bamff, in Elgin of Murray they ran away with many of them, and in Coupar of Fife my Ambassador was sadly abused and beaten by the Presbyterian Ministers. If I had not had the Lords of the Session's Recommendation for the Truth of my Books along with me, I would scarce have come Home alive. The Words of the Certificate are these : *Edinburgh, June 19th,* 1733. *This comes along with the Tinklarian Doctor, a Person of distinguished Zeal for reforming the Abuses of the present Age, especially among the Clergy. He told me he was resolved to visit the North as he had done the South, and desired me to recommend him to some of my Friends, which I therefore do to you. He is a Person of very singular Qualifications, which will appear from his various Writings, by which I have been much instructed and edified, as no doubt ye will be, especially by some of his Epistles. I pray ye take care of the Doctor, who is my most special Friend.* This Letter was and is subscribed by them ; yet the Ministers of Dundee said they did not value the Lords of the Session, especially him that robbed me. I have suffered much for my Religion, altho' I have little of it.[1]

It would have been more satisfactory had the Doctor transcribed the names of the Senators adhibited to this certificate. Whoever they were, Lord Strichen, at any rate, was not among the signatories, for his Lordship it was who addressed to the Doctor the words which I have prefixed to the present study. It is interesting to learn that my Lords Grange and Drummore, those pious and convivial cronies, " bought as much of my Light as might maintain the Fifteen." From what is known of their Lordships' walk and conversation, there is no question of the necessity, though there is grave doubt as to the profit, of the investment. " I had an Ambassador to go along with me," he writes, " who had a long Memory to mind what was said concerning my Light, especially by Persons of Quality and Ministers ; and as he had a long Memory, he had also a great Stomach and a wonderful Drought, as ye may hear in this History." The instance which he gives of the misfortunes entailed upon its proprietor by this abnormal thirst is unhappily not citable. " The first Day was exceeding hot ; and with our hot Travel and the Country Ale . . ." Suffice it that the pilgrims, during the night

[1] *The History and Mistery of the Tinclarian Dr.*, pp. 3–5.

at their inn at the East Gate, Linlithgow, met with a disaster such as Smollett would have enjoyed describing. Their route lay " West, by Stirling Bridge, for two Reasons ; the first was for Fear of the Skipper's Boat "—the last time he had been afloat was on his voyage from London, which had given him a distaste for seafaring ; " the second Reason was, to save Two Groats of Freight." The financial results of the tour were disappointing. None of the nobility and gentry, from the Duke of Hamilton to the Laird of Craigmillar, would reward the prophet : " Light unto such are as the Terrors of Death. It was told me that if I had brought to them a well-favoured Woman, they would have received *her*. Many of them cursed both me and my Ambassador for offering them Light."

Of the three hundred members of the Faculty of Advocates approached by him, he incidentally mentions, " there were but Sixteen of them that understood my Books." He fared little better with the physicians and surgeons : " Francis Russel and George Young understood every Word of them and paid me well for them ; but Monro and Preston did not understand a Word of them, they thought they were Blasphemy. If they would look more to the Scriptures and less to their Anatomies and Silk-Worms, they would get understanding."

The ministers, Episcopal and Presbyterian, surprisingly, proved better customers : perhaps they hoped to get grist for the professional mill. I have space but for one more episode in the missioners' journey, and it also calls for careful editing.

> By that Time my Feet were so sore that I was not able to go. I put them among cold Water a long Time, then I was as I had new risen out of my Bed. This is a Caution to all Travellers. That Day we sat down to rest us at a Dyke-side among the Trees, to hide us from the Sun, near a Burn-side ; and behold, a well-favoured Woman came to the Water to wash Clothes. She did not see us. . . .[1]

The incident is similar to that which befell Waverley on

[1] *The History and Mistery of the Tinclarian Dr.*, p. 15.

his arrival at Tully-Veolan, but with a difference in the treatment. All I can repeat is, that the two Elders rose up and "alued" [hallooed], that Susannah dropped her skirts and fled, and that the Doctor quaintly adds: "but I have seen the Day that I would have run after her."

In a later tract, dedicated to the Earl of Lauderdale, he gives some account of an evangelizing excursion into East Lothian in the same year.

> Sad News aho! As I was going by the South-side of the King's Park there comes a great blast of Wind, which blew my Books one Way and my Hat another Way, so that I could see none of them; and as I was going to seek them, there comes a great blast of Wind which carried me off my Feet and threw me down the Brae upon a great Stone, where I got a great Dash upon my Flanks . . . so that I could go no farther; so I came clinching Home.[1]

Desirous of concealing the nature of his injury from his wife, whom he deemed like to be as curious in the matter as the Widow Wadman, he determined to consult a specialist. But Dr. Learmonth, to whom in lieu of fee he tendered a selection of his "Light," threw his "divine Books" out of the door, thereby incurring his patient's wrath and the distinction of a vituperative paragraph. Our Doctor was laid up for ten days, but perceived in his accident the hand of Providence; he had once before fallen, morally, "near the same Place."

> This brings me in Mind of a Story of an old Wife at Dumferling, who complained to the Colonel of the Gray Horse [Scots Greys] that some of them had got her Daughter with Child. She comes to him with a great Complaint, and saith unto him, "O Sir, hath not some of your Gray Horse got my Daughter with Child?" He swore to her that all the Horse in his Regiment was gelded except his own, and if she could prove it was him, he should geld him immediately. It was told me there that when they went off, they left Two young Regiments in their Place; and that is the Reason the King hath so many Soldiers!"[2]

Of more serious interest are the Doctor's many references to the hanging of Captain Porteous in 1736, and to the

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[1] *A Second Day's Journey of the Tinclarian Doctor*, p. 11.

[2] *Ibid.*, p. 12.

notable events attending that act of popular justice. As might be expected in one of his unconventional outlook, the Doctor in this affair is of counsel with the mob and "agin' the Government" that sought to punish the murderers.

> Porteous was long Corporal in this [the Devil's] Regiment, so they made him Captain of the City Guard; that hath been Twenty eight Pounds Scots a Year out of my Way. The Poor should have had that Money that was given to his Wife.[1]

So early as 1711 the Doctor had coveted this appointment:

> If ye will only make me Captain of the Town Guard! This Captain ye keep has been 100 pound Scots out of my way, for none should have that post but them that have Sense, and he has not Sense to give a Reason for it.[2]

"Great Madam," he addresses Queen Caroline in 1737,

> Great Madam, I am to ask a Favour of your Majesty, and if your Majesty will not grant it, I prophesy that both your Majesty and your Kingdom shall be in Danger. My Petition is, to be merciful to our Magistrates and send them Home free, who hath gone from Edinburgh to London to be judged for the Death of a cruel Murderer. If I had power, I would have killed him presently on the Spot where he killed these People. It is better for your Majesty that his Life should have gone, than your Majesty's Life. That Man should have hung ten Days for killing ten innocent Persons and wounding others. This is to be regreated, and not a Murderer's Death; he was buried as that rich Man was we read of, who went to Hell. He deserved none; he should have hung betwixt Leith and Edinburgh for an Example. They hang a Man there for killing one Man; he was too much favoured. I told it in my Twenty-first Epistle who it was that hanged him.[3]

Such sentiments were unlikely to mollify Her Majesty's indignation at the contempt shown by the citizens for the Royal authority. Unfortunately there is in my collection

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[1] *The Tinklarian Doctor's Religion enlarged*, p. 7. The reference is to the pension granted to Mrs. Porteous by the Town Council, not to the fine later imposed upon the Corporation for her behoof by Act of Parliament.

[2] *Great News, Strenge Altcration concerning the Tinckler*, p. 2. Captain Porteous was appointed in 1726.

[3] *The Tinklarian Doctor's Second Catechism*, p. 2.

no copy of this Twenty-first Epistle, nor have I been able to obtain a sight of one. So this great historical mystery remains unsolved. Elsewhere, however, he lifts a corner of the veil. After some pungent criticism of the Provost's Bill—"What sort of ignorant Bishops are these, who would have the poor innocent People in Edinburgh to pay to an old Wife two Thousand Pound Sterling for the loss of her Husband who was a cruel Murderer from his Youth?"—he gives an account of what he himself saw of the memorable doings in the Grassmarket.

I arose out of my Bed when I heard that they were going to hang Porteous. I went down the Bow wanting my Brieks, to see who it was that hanged him, but I knew none of them save James Walker, the Town Officer. I saw him there wanting his Coat, but I will not say that it was him that hanged him. I saw him drawn up to the Tree like a Dog in a Teather; it made me glad to see God's Laws put in Execution. I told in my twenty first Epistle who it was that hanged him, and the Justice-General abused me to my Face for telling their Names. I do not expect a Half-peny for telling their Names, altho' there is promised two hundred Pound Sterling in that unlawful Act. I told their Names in that Epistle, but no King hath power to hang them. *I say all the Three Persons of the glorious Trinity had a Hand in his Death: he could not have been hanged without them.*[1]

He has also much to say upon the unlawfulness of the Scots clergy reading the famous Act for bringing the murderers to justice: "The Devil and the Bishops in England hath brought the Ministers in Scotland in a Hose-net"; and is of opinion that, "If he [Porteous] had killed the fifteen Lords of the Session, as he killed fifteen poor People, he would surely have been hanged more honourably: they were too long in hanging of him, he should have had but Hours for Days."

If the King gar hang me for my Profession, I am content. It will be a Honour to me to be the first that hath suffered for Religion in his Reign. . . . If the Bishops gar hang me for writing the Truth, then let them hang me where King Charles was headed, for I will be hanged

[1] *The Tinklarian Doctor's Third Catechism*, pp. 3, 4.

in no other Spot. *But they must not hang me till they insure my Wife in Two Thousand Pound.*[1]

I have neither time nor inclination to enter upon the unfruitful field of the Doctor's polemics. All his books deal with what he is pleased to call religion; but I am no competent judge of the evangelical value of his "Light." However it may be with his matter, his style is that of an uneducated street-preacher—had Dickens favoured us with a report of one of the Deputy-Shepherd's sermons, I am sure that thus, and not otherwise would the reverend gentleman have held forth—and his harping on a very limited set of theological strings is liable to pall. The heterogeneous sects abounding in the Scotland of his day resembled in their "confusion" the national dish; but the Doctor was a denomination in himself. "I will Tye my Faith to no Man's Slive," he declares in *A Part of the First Part of the Tinklar's Testament*; "there is none but Madd Men will do that." Indeed, he went one better than douce Davie Deans, who wished that everybody had kept the true testimony "as weel as Johnny Dodds of Farthing's Acre, and ae man mair that shall be nameless." No; I prefer him in his ethical vein, as a castigator of incompetence civic and ministerial, as custodier of public morals—though here his rôle savours rather of Satan reproving sin—and above all, as an incorrigible gossip.

He attached the utmost importance to the publication of his "Testament," a work that never saw the light of print, which, as Mr. Johnston in his *Bibliography* observes, "now may be included among the 'lost books.'" As a foretaste or sample of this *magnum opus* the Doctor issued from time to time *An Introduction, A Part of the First Part*, as well as three *Additions*, amounting in all to one hundred and twenty quarto pages! The obstacle to the publication of the complete work was lack of money, and he addressed to Queen Anne alone no less than ten appeals for funds.

[1] *The Tinklarian Doctor's Third Catechism*, pp. 6, 8.

Her Majesty hardened her heart and gave him nothing; yet one wonders how she could turn a deaf ear to a request couched in such terms as these :—

But again says Your Majestie, I will not answer this Petition because ye are not a Noble Man. Madam, it is want of information makes you to speak so. For indeed I am come off two Ancient Families, of both the Jews and Gentles: by Father's side, King Solomon; by Mother's side, the Queen of Sheba. I shall give you three Reasons that my Predecessors was begoten by King Solomon. The first, I hate Swine's Flesh. Secondly, I love Woman's. The Third is, my great Wit and ripe Understanding, which is a clear proof. And my Mother's side I come of the great Queen of the South. I shall also prove it by two Reasons. The first is, I will not keep the seven day of the Week. The second is, I was never Circumsized in the Fore-skine. I have given a description of the greatness of my Birth.[1]

He was constantly importuning the Queen to give him some official post, such as that of Secretary for Scotland Lord High Commissioner, Governor of Blackness Castle, Archbishop of Canterbury, Corporal in the Foot Guards, Lord Provost of Edinburgh, or "Royal White-Smith in North Britain," none of which appointments did Her Majesty see fit to bestow upon him. But he took comfort in the thought that, although he had lost the lamp-lighting job, "I have now gotten a Post I Defye all the Magistrates in Scotland to cast me off: it is to give Light to the Ministers." The House of Hanover suffered less persecution at his hands, his attacks being chiefly confined to dedications of his sermons; but the familiar terms which he maintained with Royalty appear from the pamphlets he addressed to the Chevalier de St. George and to the King of France. The former was thus unceremoniously approached :—

Now, James, I must let You know that I am greatlie Slighted both by the Queen's Majestie and Her Court and Her whole Clergie. Amongst all these, I admire most at the Queen's Majesty, for I have a great kindness for Her, and also have Petitioned her ten times for her good,

[1] *The Great Tincklarian Doctor Mitchel to Her Majesty Queen Ann*, p. 8.

yet I am Slighted & my Lord Lithgow preferred.[1] . . . If the King of France have Pisoned you with Errors, as I hope not, then send me two or three hundred Rims of good French Paper, and I shall write Folios, and make the Church of Rome as black as the Devil their Father. But, James, I must tell you, if ye had a kindness for the Crown of Britain as ye ought to have, ye would not have stayed so long in France: he will be very dear to you for Board wages. I think ye might have come to me the first time I wrote to you. I desire you again to come, and ye shall have my Chamber at 14s. a Week, and your Supper in the Sabbath Night for a Pynt of Ale, and ye shall live like a Prince as ye are.[2]

It does not appear that the Chevalier availed himself of the invitation. Writing in 1711 to His Most Christian Majesty, Louis the Fourteenth, the Doctor begins thus :—

Old Lewis, May it please your Majesty, You and I was never before acquaint, but if you be as kittle a Gentleman as our Ministers Represent you, them that has least adoe with you has the best Penneworths. . . . I would fain ken, Lewis, if ever you heard of me, for many time I have heard of you, and more in the Pulpits than any where else; and if you were as oft in your own Kirks in France as you are in our Pulpits in Scotland, you'd be very Sib to the Kirk. So nearest the Kirk, nearest the Devil. I hear, Lewis, you have made Peace with our Queen. I wish it be sickerer and longer than it uses to be, for you do not use to be a Slave to your Word, and so a ficking [fyking, *i.e.* troublesome] Meir should be well Girded.[3]

He protests to the King against the rapacity of the English taxgatherers: "Our very Candle Grease, which I should see to work my Work with, they must have so much of that to help to make their Pock-Pudings": and concludes: "Given at Edinburgh the 41st Year of my Age, and of my being King and Queen's Advocate the first Year, tho' I fear it be the last. Work for nought makes Men dead swear."

The following defence of his divine mission shows the Doctor in his more sensible vein :—

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[1] Lord Linlithgow had received the Governorship of Blackness Castle, coveted by him.

[2] *The Tincklarian Doctor Mitchel's Lamentation, dedicated to James Stewart, one of the Royal Family*, p. 3.

[3] *The Tinclarian Doctor Mitchel's Letter to the King of France*, p. 1.

Some say I should not meddle with the Scriptures, I being but a poor Tradesman; but you must know that a great Part of the Scripture was both written and preached by such Men as I am. Will any Man, except mad Men, cast the Psalms of David because the most Part of them was written when he kept the Sheep? Will any Man cast the Book of Amos because he was an Herd? Will any Man cast the four Books of John, that great Divine, because he was a poor Fisher? and James his Brother, and also Peter their Books? Will any Man cast the Book of Matthew because he was a Customer, and a great Sinner as I have been? [1]

The last of his long series of tracts, published in 1739, bears the prophetic title: *Great News, a-Ho! I let you to Wit, this will be my last publick Speech in this World;* and the *Scots Magazine* for March 1740 numbers in its obituary: "William Mitchel, white-iron-smith, Edinburgh, well known by the name of the Tinclarian Doctor." The local ministers must have breathed more freely.

A glance in closing at the Doctor's poetical remains, which happily are few and have at least the merit of rarity. Consisting, so far as my research extends, of five pieces, they are unfortunately insusceptible of citation in refined circles. *The Presbyterian Pope, containing a comical Converse between J[oh]n S[mit]h, late Kirk-Treasurer, and a W . . . .*, is devoted to a return match between the Doctor and that official, who had caused him to undergo the discipline of the Kirk in consequence of certain Tincklarian irregularities—a matter often mentioned in the tracts. Here the penitent gets some of his own back. Very witty, very scurrilous, it reminds one of the muse of Burns in her most indecorous mood. A similar freedom marks his *Merry Tales for the Lang Nights of Winter: In Dialogues betwixt the Tinklarian Doctor and his Grandam,* which reveal the dowager in a highly unvenerable light; and *A Dialogue between Jamie and Geordie, two Sower-Milk Men, at the Court of Guard, Edinburgh, looking to the Sign of a Mer-Maid,* wherein the abnormal features of the

[1] *A Wonderful Sermon Preached by the Tinclarian Doctor Concerning divine Predestination,* p. 6.

sea maiden are curiously discussed. Relatively respectable are *An Elegy on the much lamented Death of the Tinclarian Doctor William Mitchel*, and *The Tinclarian Doctor's Resurrection*, which both enjoy the unusual advantage of being written by their subject.

> Wha now to France will take a Race,
> To learn the Brats of Babel Grace ?
> Sing to the Tune of Chevy-Chase
> The Tinclar's Creed ;
> Nae mair ye'll see his Bogle Face,
> For now he's dead.

. . . . . .

Well, my sands are run out ; I must set a limit to the pleasures of quotation. And yet there remain not a few delectable passages which I had meant to quote. I have given you but a taste of the Tincklarian dishes. There has been no word of the goldsmith's wife in the Canongate, of Dean-of-Guild Neilson's speaking-trumpet, or of the Pharisee farmer of the Caltoun Craigs ; of the reason why Edinburgh women wore wide skirts, of oyster cellars, and of the allurements of the Bonny Lass ; of the enmity of the Bow Head Whigs ; of how Barbary Polston, the Doctor's handmaid, eloped with all his lying money, and of the great reward offered by him for her recovery ; of what befell him in the wild muir, going one time from Culross to Clackmannan, or of how he rested beside a whinbush by Tranent and what he lost there, or of the arrows which he shot " to ding down Babylon." Verily may the reader protest with the Doctor's Royal ancestress, on the occasion of her visit to his Royal ancestor : " Behold, the half was not told me."

It would, of course, have been possible, by a little judicious manipulation, to present the Doctor either as a zealous, if indiscreet evangelist, or as a bawdy old reprobate. The truth lies somewhere between these extremes. His character exhibits that peculiarly Scots combination of righteousness and ribaldry—typical as the blending of our

national spirit—observable in so many of our mightiest, as witness Lord Braxfield and Robert Burns. Nowadays we are less frankly given to sculduddery; let us hope that our gain in sanctity has been commensurate. I have thought that the best way was to let the Doctor, with the requisite reservations, speak for himself. My task has been at once responsible and invidious; no "elegant extracts" can do justice to his talents, no two disciples would, from the vast accumulations of his treasure-house, select as specimens the same coins. I have chosen such pieces as seemed to me most curious and representative. Others would no doubt have made a different, and perhaps a wiser choice; but I am fortified by the inaccessibility of the cache. It will not be easy for anyone else to offer an alternative selection.

A GATHERING OF THE "FRAGMENTS":

A STEVENSONIAN FANCY

A GATHERING OF THE "FRAGMENTS":

A Stevensonian Fancy

"GENTLEMEN," said the Justice-Clerk, "charge your glasses; I give ye 'Our Maker, and What he wad hae made o' us had he been sparit!'"

The cloth was withdrawn from the round dining-table, and in the depths of its old mahogany the flame of the candles gleamed again. Heavy curtains hid the windows that looked upon the Square; and on the hearth, for in Edinburgh the spring nights are chilly, a great fire of sea-coal dispensed a welcome glow.

Above the Adam's mantelshelf, my lord's portrait bloomed eminent in all the glory of Raeburn's colours; below, my lord himself, rosy in nature's hues, sat solidly at the table-head, smiling upon his guests.

A big man, to every sense: jovial, and of a ruddy countenance; hard-favoured, with a twinkling eye under heavy brows; broad-shouldered, and bearing his years like a banner; his voice full, ripe, and potent as the stuff of his brave decanters. Nothing grim about him now, in this hour of hospitable ease; but seen in the chair of state upon the Bench by some trembling caitiff at the Justiciary bar, the impression were perhaps less pleasing. For the nonce, however, session papers and law reports lay undisturbed and undisturbing in the book-lined study beyond the hall, and the evening was devoted to affairs neither formidable nor forensic.

The company around the Judge's board was in keeping with the occasion and the scene. Archie Weir faced his father across the expanse of plate and crystal; he looked

pale and a trifle nervous, as the flaming lights alternately defined and blurred his clean-cut, sensitive profile; but my Lord Glenalmond beamed encouragement whenever the kindly old senator could catch his eye. Beside him, Frank Innes, stifling a yawn, cracked nuts and jokes impartially, quite at his ease and unabashed even beneath the frosty frown of Lord Hermiston, like some irresponsible monkey sporting before an indulgent lion. Monsieur le Vicomte Anne de Kéroual de Saint-Yves, with Mr. Rowley attentive behind his chair, trifled abstractedly with a sugar biscuit, his thoughts following Flora and her fair companions to the withdrawing-room above-stairs. Douce Mr. Robbie was describing to Major Chevenix the late changes in George Street, and deploring the sacrifice of that noble vista to mere mechanical ends. Francie Traquair was retarding the digestive processes of Curate Haddo by ill-timed questions concerning his parleyings with Janet M'Clour, till the exasperated divine threatened to set Jock Crozer on him if he did not mend his manners. Balmile and Ballantrae talked apart of old days and the Cause, fighting their battles over again and lamenting the degeneracy of the times. The Prince sat silent, looking upon his plate, while ever and again the shapely white hand filled and raised to his lips, something unsteadily, the tall Venetian goblet. Jonathan Holdaway was pointing out to Mr. Archer the unreasonableness of his niece, Nance, in the matter of the bad half-crown, but all his arguments were unheeded: Mr. Archer's attention was plainly otherwise engaged. Henry Shovel, Monsieur des Escherolles, and Mr. Baskerville, sitting together on the other side of the table and farthest from the light, were barely visible in the shadows.

"Mr. Stewart," said my lord, addressing the august Presence on his right, "ye're drinking naething. Maybe the claret's no' to your taste; though it's as sib to the French as yoursel'; for I get it the length o' Bordeaux, and dinna fash about duty at the Port o' Leith."

The flush on the proud face beside him grew a shade

deeper. "I thank your lordship, I do very well," was the cold reply.

"Aiblins ye wad hae preferr't a dram," pursued his incorrigible host; "I hae nae broo o' the gardevine mysel'—speerits is a tipple mair fit for caddies and chairmen than for gentrice—but they tell me ye're used til't, and by all accounts it was a gude frien' to ye in your stravaiging amang thae weary hags and mosses in the Isles. God, yon maun hae been an unco cauldrife splore o' yours, taigling about wi' a kite as toom as your sporran! Scant o' the purple and braw linen o' kings' chalmers in thae pairts o' your dominions, Mr. Stewart. Nae subjects but the scarts and the solans, forby a wheen duddy hielan'men, that wad be nane the waur o' a haanging."

"Father!" cried Archie, timidly, "Oh, sir, mind to whom you speak."

"Hout-tout," said Lord Hermiston, "Am I to sit at my ain board-heid as mim as a May puddock, and wale my words like a probaationer? Think shame to yoursel', ye onnatural sumph. Them that doesna like the flavour o' my coanversation has my leave to lump it."

"I hold Mr. Archibald to be in the right," said Lord Glenalmond, who sat upon the Judge's other side. "I take leave to say I think this scarce handsome in you, Hermiston."

"Handsome, quo' he," chuckled my lord; "I ne'er bude to be bonny. And yet"—with a complacent glance at the portrait over the fireplace—"I'm maybe no' just sic a black-avized auld guizard as Hairry Cockburn maks out. Him and his Whiggery!" he roared, in a sudden gust of anger. "Set him up, wi' his damned 'Memorials,' the blethering auld bitch! a pack o' lees and clishmaclavers, no' worth the fifteenth pairt o' a flea's hide. Gin I was to gie him an Opeenion on his 'Memorials,' he wad thraw his denner up!"

The Judge quenched his wrath in a mighty "waught" of his favourite vintage. "And now," said he, when he

had regained in some measure his former equanimity, "it behoves me, gentlemen, to propose the toast of the evening"; and rising heavily to his feet the Justice-Clerk bade his guests drink to their Author and his unknown Plans, in the terms already quoted. The pledge was honoured in silence, and in silence the company gravely resumed their seats.

"May I ask, sir," said the irrepressible Frank Innes, "whether you think it fair that you and Archie should occupy so much of the stage, to the prejudice of the other characters? There are some of these, it seems to me, more personable and attractive, who are surely entitled to a share of the limelight."

The lad smiled at his agreeable image in the oval mirror on the opposite wall.

"Sae far as I am advised o' the Author's purpose, my mannie," thundered the Judge, "ye was to be coupit aff the Weaver's Stane wi' a bullet in the silly heid o' ye, as the just reward o' a' your cheatry and falset. And I'm telling ye, ye deil's buckie, gin ye had been brocht afore me in my judeecial capaacity in the hour of cause, for your veetious intromissions wi' the business o' your betters, it's the Grassmarket, or the Plantations at the least o't, wad hae been your portion that day."

"Apropos of your lordship's observe," said Mr. Robbie, with a deprecatory cough, "as a Writer to His Majesty's Signet, I have a difficulty to know how our Author intended to deal with what I take to be the crux of the case: the prosecution of Mr. Weir for murder. It has been stated, on undeniable authority, that your lordship was to preside personally upon the trial, and that the pannel having duly tholed his assize and being convict, you, like an old Roman, would pronounce the usual sentence, and as the result, yourself should die of the shock. Now, my lord, with the utmost deference I submit——"

"Auld Roman! auld fiddle-doup!" growled the Justice-Clerk. "What sort o' havers is this, ye doited

runt? Ye ken nae mair o' the forms of process than what I do o' sow-gelding. The man's gane gyte. Dae ye tell me, ye damned eediot, that a Senator of the Coallege of Justice can pass sentence o' death upon his ain son? As weel expec' him to chap aff his ain heid. Shock, quo' he! I'm nane sae easy shockit. Our Author wasna just what ye might ca' a deacon at a plea, but, gude sakes, a member o' the Faaculty isna sic a gomeril as no' to ken better nor that! Na, na, depend on't, had he lived to dae't, he wad hae turned the kittle point o' his tale wi' a wet finger: there's nae luppen-steiks in *his* wark."

"This question of sequels or continuations," said St. Ives, "has for me a peculiar interest. All of you, gentlemen, have been allowed to remain as your creator left you, more or less imperfect and incomplete; I only among you enjoy the doubtful distinction of being finished by another hand, and I have never been wholly at ease as to the result. Sometimes I could wish that I had been left alone, and envy the happier fate of my friends Denis Duval and Edwin Drood. Personally, I should have preferred to continue, like them and each of you, a 'fragment'; but as the operation was deemed necessary, I own that it could not have been more handsomely performed."

"My certie," exclaimed Lord Hermiston, "I wad like fine to see the birkie that wad finish *me!* He wad fin' his wark cut out for him, I'se warrant, and maybe I wad hae something for his hinder-end or he was bye wi' the job. Deil-o'-me, there's no' a writer-body daur lay a finger upon me but Wattie Scott—I mind him weel, a lang-heided callan, when he dedicated his thesis to me in very wiselike Latin. By the Regiam, as Peter Peebles was in use to swear—the daft gowk, had he shawed his neb in my Court, I wad hae sortit him!—nae lesser man than the Shirra maun mell wi' Adam Weir!"

The Prince, pushing aside his glass, raised his head. "My lord," said he, and there was that in the rich tones of his voice that commanded instant respect; "my lord,

it is but another of my long misfortunes to differ from your lordship in many things, as politics, religion, and the uses of the gentler virtues——"

"Hout," muttered the Justice-Clerk aside, "at the warst o't we see e'e tae e'e anent the lassies and the wame o' a pint-stoup——"

"But I am happy to find myself, upon this particular, of counsel with your lordship. It has been my privilege to be twice the subject of the Master's pen: by his portraits of my poor features in *Waverley* and in *Redgauntlet* it is my firm intention to stand or fall. I was indeed prepared to sit once more for his worthy disciple, but, alas, hardly was the brush taken up by the so gifted fingers than it was dropped for ever. What we have all and equally suffered by that calamity you, gentlemen, are as well able to judge as I. For my part, I do solemnly declare that, with my assent, no meaner hand shall essay the interrupted task."

"Sir," said Lord Hermiston, not without a share in the emotion which these words evoked in his guests, "my bark was aye waur than my bite. I honour your sentiments, which beseem your high calling, and without prejudice to lawful authority, I am your very humble servant. It's no' for me to say," he added, with a sly twinkle of the shrewd grey eye, "but I'm whiles o' opeenion that I've maybe tint mair than the lave o' ye by this sair suspension; but, wi' Mr. St. Ivey, I'm e'en content to bide a 'fraagment.'"

"And now," said the Prince, with a gracious inclination to the Justice-Clerk, "if our good friend and host will pass from the sederunt, I propose that we join the ladies."

THE SCOTCH TRIUMVIRATE:

A CALEDONIAN CARICATURE

THE SCOTCH TRIUMVIRATE:

A Caledonian Caricature

> It is said, that a Scotchman returning home, after some years' residence in England, being asked what he thought of the English, answered: "They hanna ower muckle sense, but they are an unco braw people to live amang"; which would be a very good story, if it were not rendered apocryphal by the incredible circumstance of the Scotchman going back.
>
> Thomas Love Peacock: *Crotchet Castle.*

THE great Mr. Mantalini has remarked of the contour of a certain dowager unnamed, that it was "a demd outline." Without pronouncing such absolute and final censure, one may say of the satirical drawing that it is a lost art. Our public characters are too thin-skinned to tolerate the robustious humours of eighteenth-century satirists, and what was long a recognised and universal form of drollery is now only to be found, a genteel survival, in the weekly cartoons of the blameless *Punch*, or in the more pointed pencillings of Mr. Max Beerbohm. For the rest, the golden days of caricature are with the snows of yesteryear and seem no less insusceptible of recovery.

I have read a little in the history of caricature and the grotesque in art, and were I so minded, and quite without bowels of mercy, I might give you here and at large the result of my researches. But prudence and good nature alike counsel me to refrain from imparting to you what I know of the origin of the art in ancient Egypt, of the partiality displayed for its pursuit among the Greeks and Romans, of its development by mediæval artists abroad, and of its vigorous growth at home in the hands of Hogarth, Gillray, Rowlandson, and George Cruikshank. I propose

therefore merely to discourse awhile upon one particular print, and to give some account of the figures—curious and suggestive—that supplied the artist with his subject. It is thus described in the Catalogue of Prints and Drawings in the British Museum :—[1]

THE SCOTCH TRIUMVIRATE

St . . . g sc. (? Strange, W.) *Ram . . y Pixd* * [1752].

* These signatures were doubtless used with a satirical intention.

This engraving displays a stage, as if erected for an execution. The above title is inscribed on a gallows, under which is James Lowry, with a rope about his neck, and in one hand a cudgel, inscribed "*The Royal Oke Fore Mast*"; a label in his mouth is inscribed, "*Lowry, the Laird of the Land : Sung by Sir W——m Lawther.*" At his feet rises the ghost of Hossack, saying, "*You suffered justly for Wipping me to Death. K. Hossack.*"

At one side stands Mr William Henry Cranstoun, with a rope round his neck, and crossing his body like a riband of knight-hood ; in his pocket is "*Powder to Clean Pebbels,*" in his mouth a label, "*Jammy will save me.*" Before him rises the ghost of Miss Mary Blandy, saying, "*My Honour, Cra——s ruin'd me.*" The ghost of her mother rising at the side of the platform, and wringing her hands in pain, replies, "*Child he's Married!*" At Cranstoun's feet is an advertisement of "*Scotch Powder to cure the Itch.*"

At the other side is Major James Macdonald, with a halter round his neck & crossing his body, as above ; in his hand is a paper inscribed, "*S. Sea Anuities Dam my Shool Master.*" In his mouth is a label, bearing, "*I have Escaped Hanging, I own I'm a Highland Villain.*"

In front is what is intended for a mock shield of Scotland. The shield is perforated with holes for eyes and a mouth so as to represent a mask, and it is charged with a crowned thistle ; the supporters are an ass's head, plaided and wearing a Scotch bonnet, and a peacock. Motto, "*Impudent, Rebellious, Lazy and Proud.*"

Beneath is engraved :

> "*Proud Scot, Beggarly Scot, witness keen,*
> *Old England has made you all Gentlemen.*"—*Old Song.*

That the artist was no admirer of Scotland and the Scots will be plain to the gentlest reader. For centuries

[1] Vol. iii. part ii. p. 847.

THE SCOTCH TRIUMVIRATE.

(From a rare print in the British Museum.)

little love had been lost between the inhabitants of the sister kingdoms. They had fought each other, on every possible occasion and on every conceivable pretext, with varying success, for it must be admitted that the smaller and weaker combatant sometimes got the worst of it. But what Scotland failed to win by the sword was nothing to what she gained by the sceptre. When her politic and wily prince clambered ungainly on to the throne of great Eliza, he took to heart the homely Scots proverb : " Keep your ain fish-guts for your ain sea-maws," and in the exercise of his Royal patronage bore ever in mind that blood is thicker than water. In fact, so extravagant in this regard was his care for kindly Scots, that his English subjects were of like mind with Captain Seagull in the play, where he says that in the new colony of Virginia would be found " only a few industrious Scots, perhaps, who indeed are dispersed over the face of the whole earth. But as for them, there are no greater friends to Englishmen and England, when they are out on't, in the world, than they are. And for my part, I would a hundred thousand of them were there, for we are all one countrymen now, ye know, and we should find ten times more comfort of them there than we do here " ; [1] views, by the way, the expression of which led to the imprisonment of Ben Jonson and his collaborators, and well nigh to the slitting of their poetic noses, simply because King James the Sixth lacked the saving sixth sense of humour. Since that day the same spirit of detraction is traceable in English literature : the unflattering references in Elizabethan drama,[2] the pontifical animadversions of Dr. Johnson, the ironic disparagement of Lamb, the polite antipathy of the genial Peacock, the familiar gibe of Sydney Smith, the shrill

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[1] *Eastward Ho*, Act iii. sc. iii.

[2] *E.g. Henry V.*, Act i. sc. ii. :—

For once the eagle England being in prey,
To her unguarded nest the weasel Scot
Comes sneaking, and so sucks her princely eggs.

invective of Mr. T. W. H. Crosland, all in their so different taste and times are directed against the Scottish nation.

Apart from the sore subject of the Union, the historical happening which most embittered the ill-feeling between the two countries was undoubtedly the attempt of the Forty-five, the irritation of England being aggravated by the fact that at one point that adventure came so near success. On escaping some threatened damage mankind is apt to be vindictive; but the Butcher Cumberland, it is now admitted, carried rather far a natural resentment for *damnum minatum*, and his literary descendants have too often been informed by his Grace's spirit. The date of our print—1752—is sufficiently close to the Forty-five to account for its rude and virulent design.

It is a great convenience to the student of crime when its practitioners write their own biographies. At least one member of "The Scotch Triumvirate" was obliging enough so to do, and I am very sensible of my indebtedness to him for his trouble. Other of my old acquaintances by whose consideration in this regard I have elsewhere similarly benefited are the late James M'Kean and David Haggart. Of course, such memoirs must be taken as in some sort a fantasia upon the simple theme afforded by the facts, or, to vary the metaphor, with a due allowance of salt. But the reader, thus warned, will have no reason to complain of his entertainment.

(1)

The Master of the "Molly"

Give me my staff.
Macbeth, Act v. sc. iii.

The manuscript of Captain Lowry's narrative, written with his own hand in Newgate, was given by him, shortly before his removal, to the Ordinary of the prison, who vouches for its veracity. "For which reason," says the reverend editor in a foreword, "it is highly improbable that

any other Accounts should be true and genuine, whatever some Persons of too consummate an Assurance, may presume to assert to the contrary, in Favour of their own crude and spurious Productions."[1] Happily for the cause of truth, we are able to supplement the author's version by the report of his trial in the Proceedings of the Sessions of the High Court of Admiralty, by sundry paragraphs in the contemporary press, and by the brief account of his case in Caulfield's *Memoirs of Remarkable Persons* (vol. iv. pp. 41–49), which is embellished with a striking portrait by Cruikshank of the unlucky subject. Let us take the captain's own story first.

James Lowry, who at the time of his promotion to a higher sphere was aged thirty-four, was born at Haddington in East Lothian, " of a very good Family, and his Parents brought him up like a Gentleman." They both died, however, while he was still a child, and he was taken charge of by an uncle in London, " under whose kind and benevolent Inspection he began to be initiated in mathematical Learning." But when he was fifteen his uncle died also, leaving the boy to fend for himself. He went to sea; and in due course, having made acquaintance with " The Theory of the Art of Navigation " and further improved the time " as to the practical Part," became by his own account " an able and experienced Sailor."

After having spent seven Years in the Merchant Service [he writes], I entered myself into the Service of His Majesty's Navy in the Year 1736, and continued therein till the Year 1747; at which Time the Peace being concluded, several of my very good friends advised me to go to Jamaica; and as I determined to comply with that Motion, they were pleased to assist me very kindly with several Letters, wherein

[1] " The Only Genuine and Authentic Narrative of the Proceedings of the Late Capt. James Lowrey, both Before and after he became Commander of the Ship *Molly*: As the same was delivered by Himself, in Manuscript, into the Hands of the Rev[d]. Mr. Taylor, Ordinary of Newgate, some short Time before his Execution. London: Printed only for Thomas Parker, in Jewin-Street, And C. Corbett, in Fleet-Street. Price One Shilling. [1752.]"

they very sanguinely recommended me to some of the principal Inhabitants, who were Merchants in those Parts.[1]

On arriving at the island Lowry obtained the command of a trading sloop which he sailed to Porto Bello, where, " Trade being in some Measure stagnated," the vessel was laid up. He was afterwards employed by certain substantial merchants of Kingston to take their ship *Molly* to England. Accordingly, on 28th October 1750, the *Molly* sailed from Port Royal: James Lowry, master; James Gaddirer or Gatherah, chief mate; Humphry Roberts, second mate; and a crew of ten, including one Kenneth Hossack, who from his name would seem to have been a compatriot of the commander. There was also a cabin boy, named Ramshaw. The men " were all shipp'd by the second Mate and Merchants at Two Guineas a-piece Premium, with orders to me to give them a Note for Ten Guineas and Ten Gallons of Rum each, as soon as the Ship should arrive at her Moorings in the River of Thames."

By his own showing, the men of the *Molly* were as fortunate in their captain as the favoured crew of H.M.S. *Pinafore*. No sooner were they fairly at sea than all hands were mustered aft and were treated by their amiable commander to the following polite exordium :—

Gentlemen,—We are now entered upon our intended Voyage for England; and as our Hands are but few, let me recommend to you, in the first Place, Peace and Quietness, and Brotherly Love, one amongst another; avoid all Jarrings and Discontents, but contrive Matters so as to ease one another as Opportunity may offer, since the Business of the Ship (as you are all sensible) must be done.

Nothing shall be wanting in me to contribute towards your Happiness and Welfare, and I shall be proud of encouraging you, whenever I shall find you, by your Diligence and Application, visibly deserve it. . . .

When these little preliminary Services (which are absolutely necessary) are once over, you will have little else to do, during the Remainder of the Voyage, but to tend the Ship, Watch and Watch.[2]

Unhappily for this idyllic forecast, the benevolent cap-

[1] *Narrative*, p. 2.

[2] *Narrative*, p. 5.

tain seems to have been uninspired. The ship proved "an old crazy Vessel," hardly able to be kept afloat by perpetual working at the pumps; the conduct of the officers was marked by "Indolence and Neglect"; the hands were "a Pack of incompetent and inconsiderate Rascals"; and, worst of all, the whole ship's company, with the exception of the virtuous master, were constantly and consistently drunk. In vain did the good man stop their allowance of grog; in vain did he remonstrate with the officers upon the gross impropriety of their conduct: "the second Mate sold them Liquors clandestinely, contrary to my express Orders"; in vain did he point out to the crew the obvious risks involved in such behaviour: "the Men were more and more headstrong and unruly, and very seldom Sober." For long Captain Lowry could not understand how they contrived to obtain supplies, till the mystery was solved by his finding "the Neck of a Quart-Bottle, with Strings fastened to it, which they dipt (as they afterwards acknowledged) into the Bung-hole of a Cask of Rum, which was the Property of Mr. Roberts, the second Mate." [1] There was often neither match nor tinder available for the binnacle light, a sore subject with the captain; and frequently when he went on deck "in the Night-time" he would find both officers asleep, "though on their Watch." Expostulations were of no avail: "the very next Night I found them fast asleep as before."

On 30th October, about noon, they spoke the *Nancy* snow, Michael Dalton master, from Black River for the Thames, and "agreed to keep Company together." On 5th November Captain Lowry had some words with his chief officer touching the vexed question of the binnacle light; his strictures were met "with very scurrilous Language," and as the mate's insolence on this occasion "was past all Sufferance," it was necessary "tho' contrary

[1] Readers of Herman Melville will recall that Chips and Bungs, those jolly mariners, employed in their discreet potations aboard the *Julia* a similar ingenious device.—*Omoo*, chapter xv.

to my Inclinations, to debar him from the Privilege of my Cabbin and Table." Captain Lowry communicated to the commander of the *Nancy* his " unhappy Situation " ; what advice, if any, was vouchsafed by Captain Dalton is unrecorded. The vessels, however, presently parted company—the crew took advantage of the captain nursing a cold to alter the ship's course—and the *Molly* continued alone upon her peculiar voyage. Several of the hands, as is not surprising, were " useless thro' Sickness " ; to the rest, says Captain Lowry, " I might as well have preached to the Wind : they turn'd a deaf Ear to all my Orders."

One night, in a heavy sea, the cabin boy was missing. Next morning, upon inquiry, Captain Lowry concluded " that the young fellow was washed overboard in the Dark, he being, as I understood, that Evening overloaded with Liquor." The inference seemed, in the circumstances, natural. The chief mate, however, was uncharitable enough to maintain that the boy had jumped overboard to escape the captain's brutality, a suggestion which the latter regarded as an additional " Impertinence." In the afternoon the boy turned up safe and sound, having been merely sleeping off his overdose in retirement, " which (tho' I am sorry to say it) gave a surprising Check to that Flow of Spirits which Mr. Gaddirer had shew'd during the Lad's Non-appearance." On 11th December the " Pitch-Kettle " was missing—orders had been given to caulk the seams with tar ; " whereupon I put them all to short allowance, in order to see if some one or other of them would not impeach the Person who had clandestinely, and with a malicious Intention, thrown the Pitch-pot overboard." One of the hands, John Murray, found asleep below while on duty and " roused out of his Nest " by the indignant captain, not content to mutter and grumble, " went directly up to the Fore-topmast Head, where he not only repeated his opprobrious Language, but vow'd Revenge. Upon this, I sent the second Mate, Mr. Roberts, up to fetch him down, who brought him accordingly ;

and I own I chastiz'd him pretty smartly with the End of the Cross-Jagg brace, for his Insolence and unmannerly Deportment." The caulking effected some improvement: "We plainly perceiv'd that our Vessel was much tighter than it was before," says Captain Lowry; an observation which, unfortunately, applied with equal force to the condition of the crew, whose inebriety was proportionally augmented.

On 23rd December one of the sailors, William Wham, reported to the captain that Kenneth Hossack had opened his bag and stolen several notes. Summoned accordingly, Hossack was "found very deeply disguised in Liquor," and quite incapable of examination. Two other seamen, Hunt and Smout, then further charged him with stealing from each of them a bottle of rum. The breath of calumny having thus dimmed his fair fame, "the whole Crew exclaim'd against the said Hossack, as an errand[1] Thief, Blood-Sucker, and the worst of Villains, &c. Upon this universal Complaint, I bid them all be easy, that I would narrowly inspect into the Truth of all the Crimes thus laid to his Charge; and would do them Justice (in Case I found him guilty) as soon as he was sober." Next day, the 24th, the accused was by Captain Lowry's orders "made fast to the Rails on the Starboard Side of the Quarter Deck." Having continued a space in that situation, he desired to be released for a specific purpose, which was graciously permitted. "He asked several of the Crew, however, as I was afterwards inform'd, to give him a Dram to touch his Liver, and made use of several quaint Terms of the like Nature, during the Time he was untied." When two hours later Captain Lowry came on deck he found Hossack kneeling down in his bonds. The chief mate reported that he could not make him change his posture; "I'll make him get up, I warrant you," said the captain. Here is his version of what followed:—

As Hossack was setting on the Ground during these Preliminaries to the Punishment due to his Demerits, I went to him and bid him stand

[1] Whether our author means *errant* or *arrant* philologists may determine.

upon his Legs. At first he paid no Manner of Regard to my Commands. I parted from him, however, for some Time, with only telling him that if he would not stir, and continue sullen till I return'd, I would assuredly chastise him with such a Rope's End as should soon bring him out of his dogged Airs; and then I gave him three smart Straps, 'tis true; but it was upon his Backside. When I had given him this gentle Correction, I called the Men aft, and bid them take Hossack out of the Way of hoisting the Main-topsail; but they not coming Time enough, I ran across myself for that Purpose; And when I came up to him, I perceiv'd his Head was hanging over his Shoulder, and that he foam'd at the Mouth.[1]

The wretched man was then cut loose and carried below insensible. Every means, including bleeding, were taken to revive him, "but we found he was past Recovery." The incident was not to close with the waters that received the remains of poor Hossack.

On 26th December William Wham was sick: "he bawl'd and roar'd out most hideously," and gave the officers to know that he was sadly tormented with rheumatic pains. The kind-hearted commander of the *Molly* told him to keep his bunk, and ordered something warm for him to drink. His shipmates, Captain Lowry found, were "nettled at this humane Treatment of him"—there is no pleasing some people—and murmured against their captain. When next seen by him Wham was "most shamefully drunk," and confessed that he had received the wherewithal from Mr. Roberts, the second mate. That officer, having been sharply censured by his superior "for Breach of Promise"—he had undertaken not to supply the men with liquor—and resenting Wham's betrayal, fell upon the invalid and beat him soundly. Captain Lowry in the interest of humanity interfered, and Roberts, refusing to desist, was by him "knock'd down directly." The mate, whose temper seems to have been hasty, sprang up and in turn overthrew the captain. "He fell upon me," that gentleman regrets to state, "and got one of his Fingers down my Throat, and with the other Hand beat me most

[1] *Narrative*, p. 16.

unmercifully ; and moreover kneed me " ; the chief mate, coming to his commander's relief, " took him off me." This episode was productive of a certain soreness, especially in the case of Roberts, whose finger was well nigh bitten off, but the crew expressed hypocritical sympathy in their captain's misfortune, " with Abundance of the like Cant."

Meanwhile the *Molly* had embraced the opportunity to spring a fresh leak, and ten tons of cargo were thrown overboard to lighten the ship. On 29th December Captain Lowry, who was confined to bed as the result of his encounter with the mate, was informed by his officers " that none of the Hands could be prevailed on to work at the Pumps," and that there were three and twenty inches of water in the hold. In this alarming situation the captain rose, and admonished the men upon their inconsiderate behaviour.

> Finding, however, that all Expostulations with them had no Manner of Effect, I told them, that I plainly perceived their Drift, and that they were determined, at all Adventures, to sink the Ship ; but if that was the Case, they should not accomplish their rascally and villainous Purposes without feeling the Weight of my Resentment. And thereupon I drove them, by Dint of threshing them, to the Pumps.[1]

He then tempered his severity with some fatherly advice, " concluding with a Recommendation of Unity and Love among themselves, and a friendly Precaution against drinking to Excess." Yet next morning these ungrateful rogues surprised the worthy man in his sleep, pinioned his hands behind him, and deposed him from his command. Upon his mildly enquiring the reason for such unwarrantable actions, they answered that they could no longer suffer his " austere and merciless Proceeding towards them." To this he replied that his " using them with Authority and severe Blows " was done " with Reluctance " for the general good, and asked what they meant to do with the ship. His officers said they would steer for the Western Islands, and " immediately ordered Liquors and Provisions

[1] *Narrative*, p. 22.

to be carried to the Mast," when the occasion was suitably celebrated by all hands.

On 1st January 1751 the ex-captain, who was confined to his cabin, had an interview with the two mates. He pointed out that since his deposition " they had neither made use of their Log, nor kept any Manner of Watch ; that there was no Glass running ; no Mate to tend the Compass ; that the Pumps were entirely neglected ; that, in short, there was no one thing regarded but perpetual carousing and getting drunk " ; in such circumstances " they could never expect to make any Port whatsoever." These arguments would seem to have had some effect, for he adds : " both Mates gave incontestible Proofs that they were of the same Opinion, by their drinking Madeira Wine with me in the Cabbin for three hours successively, to welcome in the New Year." !

Among the things which were too wonderful for the Wise King—I allude to Solomon, not to James the Sixth—was " the way of a ship in the midst of the sea." The behaviour of the *Molly* will justify his judgment. I remember reading once a French novel in which the exigencies of the plot—it was a maritime tale—required the continual presence below of everyone concerned, not excepting the navigating officers ; meanwhile the ship proceeded on her course, apparently *ex propria motu* and quite apart from all human intervention. The *Molly* would seem to have been endowed with similar intelligence.

New Year good resolutions are commonly of brief duration : next morning one of the hands, " in a Whisper," informed Captain Lowry " that they were unanimously determined to swear away my Life." To make a long story short, for the injured commander waxes tedious, at five o'clock in the morning of 14th January, in the inscrutable workings of an all-wise Providence the *Molly* made her landfall—" the Rock of Lisbon, bearing East South East, at a Distance of eight Leagues or thereabouts." Presently a signal of distress was hoisted, " and soon after a Fishing-

boat came with a Pilot and six Hands who came on board," and the vagaries of the voyage were over.

Both parties lost no time in getting into touch with the port authorities, but the captain seems to have got his shot in first. On the 15th the ship was safely brought to anchor in the Tagus, and next day the barge of H.M.S. *Rye*, Captain Wray, came off to her in response to Captain Lowry's letter; that gentleman was promptly released, the two mates were placed under arrest, and the hands, " according to Custom, went down below to enjoy themselves," pending the issue of the " Contest " between their officers. On the 28th an enquiry was held by John Russel, Esq., His Britannic Majesty's Consul-General, when Captain Lowry was examined, " and accused the People of taking the Command of the Ship " from him. As the result of his evidence, the mates and men of the *Molly* were " ordered home Prisoners in his Majesty's Ship *Sphinx*, Captain Lloyd," to stand their trial for mutiny. As to the manner of his own return all he tells is as follows :—

> On my Arrival in the Downs, I received a Letter from a Friend, to caution me, that he had Reason to suspect my People had sworn Murder against me, and bid me beware of a Surprize. Upon which I put the Ship in Possession of a Pilot, and going ashore, went Post to London. When I came to Town, I reported all the Transactions of the People to my Owners, to whom I was consigned, and had the Advice of an Attorney and my Friends to keep out of the Way, for that there was an Admiralty Warrant to apprehend me for the Murder of one of my Men.[1]

It must have been painful for the long-suffering commander, hurrying home " conscious of Innocence, to bring the People to Justice," thus to find the tables turned upon himself; but whether he lacked faith in the impartial administration of his country's laws or in the strength of his own case, the gallant captain was, like Toad-in-the-hole on a certain celebrated occasion, *non est inventus*.

In May the pages of the daily papers were enlivened by some unusual advertisements, the first of which offered

[1] *Narrative*, p. 44.

a reward of ten guineas for the apprehension of Captain Lowry, "who is charged by ten of his crew with the cruel murder of Kenneth Hossack, foremastman, in his passage home." That officer, from his retirement, replied, charging the crew with mutiny, and stating that the British consul at Lisbon, "upon a fair representation of the facts," had reinstated him in his command and sent the crew home prisoners; but that he was prepared to surrender when a court should be appointed for his trial, which only the stigma attaching to "lying in gaol under the infamous and detested name of an inhuman man" had prevented him hitherto from doing. To this it is in another advertisement answered:—

that Lowry did not only murder the said Hossack, but in the said passage did use Peter Bright and John Grace so cruelly that they died; and still continuing his barbarity to every man in the ship, broke the jawbone and one of the fingers of Wm. Dwight, and fractured the skull of Wm. Wham.[1]

Of these minor incidents Captain Lowry makes no mention in his narrative. The reward proving sufficient to induce some person to "discover" him to the authorities, on Tuesday, 18th February 1752, at a Sessions of Admiralty held at the Old Bailey by Sir Thomas Salisbury, Judge of His Majesty's High Court of Admiralty, assisted by Mr. Justice Gundry and Mr. Baron Smythe, James Lowry was indicted for the murder of Kenneth Hossack, mariner, and after a trial lasting eight hours, was found guilty.

It appeared from the evidence of James Gatherah, chief mate, that Hossack had been long sick of a fever, and was unable to go aloft. On 24th December 1750, about eleven in the forenoon, being ordered to assist the man at the helm and happening to stumble, the prisoner, who had a hammer in his hand, struck him on the head and felled him; then took a rope and gave him a dozen stripes. Coming on deck that afternoon between four and five,

[1] *Gentleman's Magazine* (1751), xxi. 234.

the mate found Hossack seized or tied up, one arm to the halyards, the other to the main shrouds, and the prisoner beating him with a rope an inch and a half thick, called a crotched brace, which he continued to do until, being tired, he left off, and went down to his cabin. Gatherah then described how Hossack, on being released, was not able to stand up, but lay and crawled upon the deck. The prisoner, when informed of this, said, " Damn the rascal, he shams Abraham ! so seize him up again," which was done with his arms extended to the full stretch. The prisoner then doubled the rope he had used before, and taking the ends in his hands, with the bite or double beat Hossack on the back, breast, shoulders, head, face, and temples, for about half an hour, " walking about between whiles to take breath." It was nearly six o'clock when the prisoner, finding Hossack collapsed and motionless, ordered him to be cut down. " I am afraid Kenny (for so the deceased was called by the ship's crew) is dead," remarked the mate. " I am sorry for it. I hope not," replied Captain Lowry, in gentlemanly toleration for the dead. But on the mate making a closer examination, and reporting his fear confirmed, the prisoner struck the deceased again on the face, and cried, " Damn him, he is only shamming Abraham now ! " The body was then taken below, but though the captain was obliging enough to whet his penknife and open a vein, the man was gone beyond recall.

The mate further deposed that the prisoner had treated him and everyone else on the ship in a very cruel and tyrannical manner during the whole voyage ; that his general conduct was throughout invariably most inhuman and despotic, and in corroboration mentioned several instances of his barbarity. Asked by the Court why, the murder having been committed on 24th December, the murderer was not secured till the 29th ? witness said that the men wished to do so at once, but he represented that they were short-handed and ill-found ; that the captain could not escape, that the fate of Hossack might have an

ameliorating influence upon his ferocity, and that on arrival in England they could hand him over to justice. This course was accepted by all, but instead of behaving better the prisoner presently broke the finger of one man and bit the second mate's so dreadfully that witness had to cut it off. He also fractured the skull of one seaman " with his great cane," and injured another severely in the side, upon which it was determined to deprive him of his command and confine him to his cabin. The log-book, produced, bore the following entry : " December 29. Unanimously agreed to confine the captain and make the nearest port." The condition of the ship was such that all hands were in despair, " expecting she must go down before the rising of the morrow's sun " ; but by co-operation of continual pumping and the Divine will, they were able to make Lisbon. In his examination before the consul there, witness had given the same account of the murder which he had now done. On their passage home the men of the *Molly* were not treated as prisoners on board the man-of-war ; they helped to work the ship. At London they were put in charge of the Admiralty Marshal, by whom they were kept as witnesses against the prisoner. He denied Captain Lowry's charges of drunkenness and neglect of duty : " indeed they could not well get drunk, for the prisoner would not allow them what was their due."

The Marshal of the Admiralty having deposed to the steps taken to arrest the captain, who on reaching the Downs had quitted his ship and absconded, the chief mate's version of the facts was endorsed by the second officer and by the whole surviving members of the ill-fated crew. For the defence, divers tradesmen and others, who had known Captain Lowry in happier circumstances, testified to their belief in his humane and amiable disposition ; and the prisoner himself gave, in abbreviated form, a narrative of the " facts " as subsequently set forth by him in print : the crew were mutineers and pirates, who had seized the ship and invented the story of the murder to

cover their own misdeeds ; they swore against him " with a halter round their necks," well knowing that if he escaped, they must themselves be hanged. The judge having summed up the evidence, the jury retired, and in half an hour returned with a verdict of guilty. The prisoner was sentenced to death, and ordered to be hanged in chains — a doom reserved solely for the most flagrant malefactors.

Sundry petitions for reprieve addressed by the convict to his judges and to the King himself having met with no response, Captain Lowry had to prepare for the worst. It is recorded that during the imprisonment he bore up bravely, but fainted when a workman came to measure him for the chains in which he was to hang. Wednesday, 25th March 1752, was the day appointed for the liquidation of his debt to society.

Half an hour after nine Capt. Lowry was brought out of Newgate to be executed ; on seeing the cart he changed colour, but soon recover'd ; he had a scarlet cloak over a morning gown, and a brown wig of the colour of his eyebrows ; his eyes were bright and piercing, and his complexion very fresh ; his features were very regular and agreeable, and no way suited to the cruelty of his disposition ; he was in stature about 5 feet 7 inches, very well proportion'd, and seemed not above 40 ; his behaviour was quite composed and undaunted ; before the cart was carried a silver oar, about 20 inches long, and of an antique form.[1]

So with all due formality the captain went to his death. As the cart passed along the streets some seamen shouted to him : " Where is your Royal Oak foremast ? " for so he was wont to term his great cane ; he was also similarly advised not to " sham Abraham," in allusion to his remark on the dying Hossack. When the procession reached Execution Dock, he was taken from the cart to a scaffold beneath the gallows ; after praying with the Ordinary a quarter of an hour he put on a white cap, " the scaffold was struck down," and he continued hanging for twenty

[1] *Gentleman's Magazine* (1752), xxii. 140.

minutes, "when he was taken into a boat to be hung in chains at Blackwall":

. . . there many suche ende.
At Newgate theyr garmentis are offred to be solde,
Theyr bodyes to the Jebet solemly ascende,
Wauynge with the wether whyle theyr necke wyl holde.

(2)

An Unspeakable Scot

O Scotland, Scotland!
Macbeth, Act iv. sc. iii.

If one were called upon to name the most deleterious specimen of the genus Scot with whom, whether by reading or contact, one had any acquaintance, it would be fairly safe to rank and prefer to that invidious distinction Captain the Honourable William Henry Cranstoun. He was mean, malevolent, and treacherous; a murderer by proxy, an assassin at a safe remove; he was base, profligate, and a would-be bigamist. What a boon he would have been to Mr. Crosland, had that amiable hater of our race chanced to come across him! Compared with him our late friend Captain Lowry was an officer and a gentleman, though somewhat prone to violence and the use of the stick. He had no redeeming vices, for it is not recorded that he either smoked or drank; and in the affair of the Forty-five he bore arms for the Elector of Hanover against his natural and native Prince. Of these two contemporaneous captains, Cranstoun, in view of his criminous superiority, is entitled to the precedence here awarded by me to Lowry. My reason for so doing is this: the one was actually hanged; the other but deserved to be, and as his ultimate roguery contrived to "cheat the wuddy."[1]

[1] The importance attaching to Cranstoun as the lover of the celebrated Miss Blandy produced at least two biographies of that uninviting subject: (1) "Memoirs of the Life of William-Henry Cranstoun, Esq.; in which His Education and Genius are consider'd. A great Variety of Incidents in the junior Part of his Life to the Time of his Marriage with Miss Murray in Scotland, particularized.

Yet this offensive Caledonian came of an honourable and an ancient house. The fifth son of a Scots baron, William, fifth Lord Cranstoun, and his wife, Lady Jean Kerr, eldest daughter of William, second Marquess of Lothian, he was born in 1714. Lord Cranstoun died in 1727, and was succeeded by his eldest son, James. His lordship left to mourn him seven sons and five daughters; our William's share of the paternal fortune amounted to only £1500, the interest of which at five per cent. was to be paid him yearly by the reigning lord. His friends got him a commission as first-lieutenant in Sir Andrew Agnew's regiment of marines, but "being intoxicated with the high Notions of his Nobility, he could not confine his Expences to his Income." Indeed, his blue blood and courtesy title of captain were his chief assets, for his physical endowments were as limited as his pecuniary resources. "In his person he is remarkably ordinary, his stature is low, his face freckled and pitted with the smallpox, his eyes small and weak, his eyebrows sandy, and his shape no ways genteel; his legs are clumsy, and he has nothing in the least elegant

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A True and Impartial Account of that Marriage. Some Anecdotes of his Courtship. The Proceedings of the Supreme Court in that Kingdom concerning the said Marriage, which they confirmed, fully related. His Amours in London, before his Acquaintance with Miss Blandy. The whole Affair of Miss Blandy considered; with some Remarks on her Trial; in which (supposing all the Facts Sworn against her to be true) her Innocence is rationally accounted for. Also a Particular and curious Anecdote, never yet made Public. London: Printed for J. Bouquet, at the White Hart in Pater-noster-Row. MDCCLII. (Price One Shilling.)" and (2) "Memoirs of the Life and most Memorable Transactions of Capt. William Henry Cranstoun. Containing An Account of his Conduct in his younger Years. His Letter to his Wife, to persuade her to disown him for an Husband. His Trial in Scotland, and the Court's Decree thereupon. His Courtship of Miss Blandy; his Success therein, and the tragical Issue of that Affair. His voluntary Exile Abroad, with the several Accidents that befel him, from his Flight to his Death. His Reconciliation to the Church of Rome; with the Conversation he had with a Reverend Father of the Church at the Time of his Conversion. His miserable Death, and pompous Funeral. London: Printed for M. Cooper, in Pater-noster-Row; W. Reeve, in Fleet-street; and C. Sympson, in Chancery-Lane. MDCCLII." Subsequent citations from these authorities are thus distinguished: *Memoirs* (1) and *Memoirs* (2).

in his manner." That at least is how he struck a mere male contemporary; but the foxy little villain had a way with him that did wonders with the women. "Cranstoun had peculiar to himself a kind of nameless something which can be no otherways described than by a Solicitude or Power of pleasing, of which they who were pleased can give no Account. With the Ladies, even such of them whose Understandings were much above his, he found means to be a Favourite."

Of the captain's ante-nuptial adventures it is unnecessary to speak: they were such as commonly befell the professed lady-killer of his day; but the matter of his marriage is all important.

About the Year 1744, Captain Cranstoun being at Edinburgh, became acquainted with Miss Murray, Daughter [? grand-daughter] to Sir David Murray, a Gentleman of Fortune and Family; he made frequent Visits to her at her Uncle's, a Gentleman who of all her relations interested himself most in her Behalf, and whose Tenderness discovered itself in every particular in that Affair. This Lady, whom Cranstoun then courted, and afterwards made his Wife, according to the Account of all who have known any thing of that Affair, was possessed of very distinguished Qualities; she was remarkably handsome, genteel, delicate, and of a very amiable disposition. She had Admirers without Number, some of whom were deterred from making Advances by the Dignity of her Family, and others by the Reputation of her Beauty, which entitled her to a very distinguished Match.[1]

Ann Murray was a daughter of David Murray, merchant in Leith, son of the late Sir David Murray of Stanhope, Baronet; her brother succeeded to the title; her uncle was the notorious John Murray of Broughton, secretary to Prince Charles Edward during the Forty-five, who afterwards betrayed his trust. The following account of the affair is taken from the printed papers in the action for declarator of marriage subsequently raised by the lady before the Commissaries of Edinburgh.

Among such admirers of Miss Murray as were not intimidated either by her rank or beauty was Mr. William

[1] *Memoirs* (1), p. 9.

Witham, then completing his medical studies at the College of Edinburgh, who later became a doctor in Durham. Both were Roman Catholics, as were all her relations; the match was viewed with favour by the family; and in the normal course of things Ann Murray would have been happily married to the young physician. But by the exercise of his peculiar "Solicitude" Cranstoun succeeded in supplanting Witham in the girl's affections; and so infatuated was she with her ugly lover that by the middle of May he had induced her to leave her home in Leith, on pretence of paying a visit to his friend, Mrs. Dunbar, at whose house in Carrubber's Close, Edinburgh, he himself lodged, where he prevailed upon her to consent to a private marriage. His reasons for secrecy were, as he alleged, that the fact of her being a Roman Catholic not only "would infallibly be extreamly disgusting" to his people, who in Mr. Kirkwood's phrase "were all Biggotly Presbyterian," but would be highly prejudicial to his chances of promotion. The circumstances of the marriage were thus sworn to by Miss Margaret Park, a sister of Mrs. Dunbar, who witnessed the ceremony:—

That, upon the 22d May [1744], the Defender [Cranstoun] brought a Person along with him to his Room in Mrs. Dunbar's, whom he called a Minister; and the Deponent [witness] was present when the Pursuer [Miss Murray] and Defender were married together by the said Person in the Defender's Room: That the said Person, whose Name she knows not, officiated as a Minister, and married the Parties in the Presbyterian Way: That she saw them join Hands together, and heard them distinctly take the Marriage-vows, and thereupon the Minister pronounced them married Persons: That nobody was present but the Pursuer and Defender, the Minister and the Deponent: That Mrs. Dunbar and her Servant-maid were both abroad that Afternoon when they were married, which was about six a'Clock at Night.[1]

Whether or not "the said Person" was a genuine divine, the marriage was binding in Scots law, for the

[1] *Answers for Mrs. Ann Murray and Miss Jean Cranstoun, her Daughter, procreated betwixt her and Lieutenant William Henry Cranstoun, her Husband, Pursuers. December* 2, 1747.

parties were proved thereafter to have cohabited as man and wife and were so regarded by those about them, until in the beginning of July Cranstoun went to see his mother, and his wife "retired to the Country Seat of her Uncle, who at the time was absent." When the laird of Broughton returned, he noticed a change in his niece's appearance, "and opened his Suspicions upon that head." Whereupon the lady "confessed that she was with Child, and at the same time protested that she was married to Cranstoun privately four months before." Application being made to Captain Cranstoun, the avuncular anxiety was wholly dispelled on receipt of a letter from him, dated 13th October 1744:—

> I can Assure you that neither she nor you need be in the smallest Concern; and I need not assure you that she is Mrs Cranstoun from the Middle of last May. I was in Hopes there would not have been Occasion for discovering this before I had got a Company; and if it can by any Means be kept from the Ears of the rest of the World till that happen, it would be the greatest Happiness to us both: For did my Friends know of it, my Promotion in the Army would quite stop, upon Account of her Way of Thinking.[1]

His circumstances are straitened: "so I must entirely depend upon your Friendship, Assistance, and Protection to us both in this Affair." If, as he expects, he is ordered to the West Indies, "give me leave to beg that you'll be her Husband until my Return."

By January 1745, owing to the urgency of Uncle John, the fact of the marriage and its result were made known to the husband's family. Lady Cranstoun proved unexpectedly gracious; she wrote to the Rev. Mr. Gustard, one of the ministers of Edinburgh, commending her daughter-in-law to his spiritual care, and invited her to Nether Crailing, the family seat in Roxburghshire, to await the expected event. But this the young wife unfortunately declined to do: Mr. Gustard's ministrations had proved repugnant to "her Way of Thinking": and thus Lady

[1] *Answers*, p. 6.

Cranstoun's good intentions received a check. The Misses Jean and Mary and Mr. George Cranstoun visited their new sister, as did my Lord Cranstoun himself ; it was arranged that one of the young ladies " should be with you every Day when you ly in," and that " my Brother Charles " should " hold up the Child " at baptism : " if it is a Girl, it may be Jean, after my Mother ; William, if it is a Son." [1]

Meanwhile the Hon. Captain Cranstoun, who was pushing his fortunes in London, had seduced, in circumstances of peculiar baseness, the innocent daughter of the worthy couple with whom he lodged in Gerrard Street. When her condition could no longer be concealed he persuaded the girl to leave home, and took a room for her at Paddington. Beyond giving her an occasional guinea he did nothing further for her support, and after enduring much misery the unhappy victim of his " Solicitude " died in childbed.[2]

At Edinburgh, on 19th February 1745, Mrs. Cranstoun gave birth to a daughter, who in due course was christened Jean by the minister of Newbattle, in presence of members of both parents' families. Uncle John conveyed to the father in London " the agreeable News of Annie's safe Delivery," which that gentleman suitably acknowledged, enclosing " under Mr. Murray's Cover " a letter to his wife, " directed to the Honourable Mrs. Cranstoun, in her Bed." [3] The parties continued to correspond in affectionate terms—the letters are printed in the proceedings—until Cranstoun's return to Scotland, where he found that nation involved in civil war : " Rebellion was raging in its Bowels, Parents and Children were divided, Rancor and Discord prevailed over the most sacred Ties of Peace and Relationship, and as every one was engaged either in fighting or wishing for a Party, they who before had been Bosom-Friends were now torn assunder, their Hearts alienated by Dissention, and their Passions rouzed to Fury "—Scotland was in the throes of the Forty-five.

[1] *Answers*, pp. 16, 17. [2] *Memoirs* (1), pp. 20-27. [3] *Answers*, p. 20.

The standard raised so gallantly on 19th August by Prince Charles at Glenfinnan fluttered with his wavering fortunes until it sank finally on 16th April 1746 before the victorious Butcher of Culloden. Murray of Broughton had become the Prince's secretary, and Mrs. Cranstoun's family, being Jacobite and Catholic, staked their all upon the Royal cast ; her husband's folk, Hanoverian and props of Presbytery, kept prudently on the winning side.

We have no record of how our captain acquitted himself in the campaign, but we know that his metropolitan observations had suggested to him a rich marriage as a much less arduous means of promotion than professional merit. His wife's relatives were ruined and scattered by the failure of the Cause, the young baronet her brother was transported ; his own people upon grounds religious and political were unfriendly to her ; there was none to protect her interests or to regard her honour. Here then was the opportunity to rid himself of an irksome tie and to retrieve his fortunes : he would disown his wife and child, and secure the hand of some substantial heiress. So the little scoundrel began to put it about that Miss Murray was his mistress, whom he might have married had she consented to abjure her faith ; but as his sensitive conscience could have no lawful dealings with the Scarlet Woman, he had washed his Protestant hands of her for good.

And then—portentous conjuncture !—Cranstoun met Miss Blandy.

As I have already devoted to the story of their so sinister alliance a whole book, I need only here give a brief outline of the facts, referring the interested reader to that complete account.[1] It chanced that in August 1746 our honourable hero, whose regiment had suffered from the prowess of the " rebels," was in Oxfordshire, beating up recruits. While the guest at Henley of his grand-uncle, General Lord Mark Kerr—uncle of Lady Jane Douglas, the heroine of the

[1] *Trial of Mary Blandy.* Notable British Trials Series. Edinburgh, 1914.

Douglas Cause—he took in to dinner Miss Mary Blandy, a local belle, whose dowry of £10,000 was the talk of the district. Her father was a pushing, snobbish attorney, who aped gentility and wealth; her mother, a sister of Serjeant Stevens of Doctors' Commons, like Mrs. Boffin, was a devotee of fashion. Despite the dotal bait, "this blooming virgin," as her biographer terms her, had reached her twenty-seventh year with but two or three abortive "affairs" to her credit. The acquaintance thus auspiciously begun, ripened rapidly. Cranstoun left Henley in the autumn to resume his regimental duties, but returning in the following year, took up his abode with the Blandys as their accepted son-in-law. Mary was in love with marriage, Cranstoun was enamoured of the famous *dot*, Mr. and Mrs. Blandy were out of the body at the prospect of so aristocratic a connection: the match was every way desirable and all parties were content.

In October 1746 Mrs. Cranstoun, by the advice of her friends and in accordance with Scots practice, had raised in the Commissary Court at Edinburgh an action of declarator of marriage against her perfidious spouse. Now Lord Mark Kerr, having learned something of the game his graceless kinsman was playing at the Blandys, wrote to the attorney that Cranstoun was a married man. Taxed with this disability the noble lover exclaimed, "As I have a soul to be saved, I am not, nor ever was!" Lord Mark, from motives of personal spite, had misrepresented the facts; there *was* a lady in the case, who falsely alleged a legal claim upon him, and was seeking through the venal courts of her country to levy blackmail. No English attorney could conceive of the facilities for such frauds afforded by the Scots law of marriage. So the engagement continued, Mr. Blandy stipulating that the happy day be postponed "till the invalidity of the pretended marriage appeared to the whole world."

Cranstoun spent practically the whole of 1748 as the Blandys' guest. In December his regiment was "broke"

at Southampton and he was placed upon half-pay. Meanwhile on 1st March Mrs. Cranstoun had won her case: the Commissaries upheld the marriage and awarded the pursuer annuities of £40 sterling for her own, and £10 for her child's aliment, together with £100 expenses. That any part of these expenses was recovered from the hon. and gallant defender is doubtful: the proceedings disclose the most despicable shifts by him to defeat the ends of justice,[1] and it is unlikely that the lady ever received a penny: but by order of Court Lord Cranstoun was bound to deduct from the income paid to his brother the amount of the annuities. Mrs. Cranstoun, having heard what her lord was about at Henley, sent to Mr. Blandy a certified copy of the judicial decree in her favour. This must have been rather a shock to the happy family in the old house by the bridge, but Cranstoun explained that he was appealing the case to the Court of Session and was confident of obtaining a reversal of the adverse judgment. After the usual delays of litigation the decision was sustained by the superior Court, though this fact was never known to Mr. Blandy. In September 1749 Mrs. Blandy died, believing to the end in the good faith of the noble suitor. "Mary has set her heart upon Cranstoun; when I am gone, let no one set you against the match," were her last words to her husband.

After the loss of his optimistic helpmate the old man became much colder to his guest; Mary found his manner to her lover "very rude" and complained of the "unkind

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[1] As instances of this: Cranstoun wrote to his wife that his sole chance of promotion depended on his appearing unmarried, and with much persuasion at length prevailed upon her to copy a letter, framed by him, to the effect that she had never been his wife. Once possessed of this document in her handwriting, he sent copies to his own and his wife's relatives in Scotland, and when she raised her action, with peculiar baseness he lodged the letter in process. Fortunately she had preserved the original draft, together with his perfidious instructions, so the gallant defender was hoist with his own petard.—*Memoirs* (2), pp. 11–14. He also put on record the infamous falsehood that Ann Murray had been the mistress of Dr. Witham.—*Petition of Lieutenant William Henry Cranstoun. November* 26, 1747.

things " he said to both of them. Discussing with his fiancée this regrettable change, Cranstoun mentioned that he knew of a cunning woman in Scotland, one Mrs. Morgan, who specialised in " love powders," being, as appears, the Scots equivalent to the *poculum amatorium* or love philtre of the Romans. " If I had any of these powders," said he, " I would put them into something Mr. Blandy should drink," and so he would be as " kind " to them as formerly. This scientific seed, as we shall see, was destined to bear fruit. But for the time Mary had other worries. Her betrothed confided to her that, over and above the Scots complication, he was troubled as to his connection with " one Miss Capel," by whom he had had a child the year before he met the present possessor of his heart. Mary's affection was proof against this painful revelation ; she merely expressed a hope that he saw the folly of such conduct and would not repeat it. " If I do," protested her lover, " I must be a villain ; you alone can make me happy in this world, and by following your example I hope I shall be happy in the next." A day or two later she found in his room a letter from another lady, then enjoying the captain's protection in town. This was too much even for Miss Blandy's robust philosophy : she showed him the letter and charged him with his falseness. The little wretch fell on his knees, wept, raved, clung to her skirts, swearing that he would not live till night unless she pardoned him. For a time Mary resisted his entreaties, but the miserable creature conjured her by her mother's dying words not to give him up, vowing never to repeat " the same provocation." So in the end she foolishly forgave him : he was a poor thing, but—more or less—her own. It was the last triumphant manifestation of his famed " Solicitude."

In November 1750 word came from Scotland that my Lady Cranstoun was seriously ill and wished to see her boy. " Good God ! " exclaimed the affectionate son, " what shall I do ? I have no money to carry me thither, and all my

fortune is seized but my half-pay!" He had already by previous borrowings exhausted his charmer's purse; there was nought left to give him but the miniature of his ugly countenance he had once presented to her, which, being of counsel with Mr. Wemmick touching the value of portable property, he now put in his pocket and set out for the North. They never met again. Providence having at last dislodged his non-paying guest, Mr. Blandy ordered his daughter to write to her lover, forbidding him to revisit Henley till his matrimonial puzzle had been solved. Hysterics were unavailing; the old man was not to be moved. Much correspondence ensued between the betrothed pair, the purport of which is not beyond conjecture.

In June 1751 Cranstoun sent to his ladylove a present of "Scotch pebbles," then fashionable feminine adornments, together with a sample of the wise woman's wares, which, according to his instructions, was to be exhibited to the patient in tea. As a result of this prescription Mr. Blandy became seriously ill, but recovered and seemed no "kinder" than before. One of the maids, drinking the same brew, similarly suffered. Mary having reported progress to her principal and pointed out the disadvantages of tea as a menstruum, Cranstoun wrote to her on 18th July, "in an allegorical manner," as follows:—

> I am sorry there are such occasions to clean your pebbles; you must make use of the powder to them by putting it in anything of substance, wherein it will not swim a-top of the water, of which I wrote to you in one of my last. *I am afraid it will be too weak to take off their rust, or at least it will take too long a time.*[1]

As an incentive to her to "try again" he describes the beauties of Scotland, and mentions that Lady Cranstoun is having a room fitted up for her use at Lennel House. On 4th August Mary, responding to the spur, ordered gruel for her father's supper. She was seen next morning by the maids, stirring it in the pantry; Mr. Blandy had

[1] *Trial of Mary Blandy*, pp. 19, 67.

some and became alarmingly ill. She told the apothecary that her father could have taken nothing that would disagree with him. Next day an old charwoman, to Mary's knowledge, ate of the gruel and was violently sick. Yet Mary ordered the remainder, now four days old, to be warmed for the invalid. The maids did so, noticed a white sediment in the pan, and locked it up. It was plain that in the words of the Prophet, "broth of abominable things was in their vessels." Everyone in the house suspected that the old man had been poisoned, he himself believed it and said as much to his daughter; so that wise virgin, collecting the Cranstoun correspondence and what was left of the powder, cast the lot into the kitchen fire and "stirred it down with a stick." After she had gone the maids attempted a rescue, but the letters were consumed; they only saved a folded paper, endorsed in Cranstoun's hand, "The Powder to clean the Pebbles with," which still held a little of its fell contents—enough to hang the recipient and to damn the sender. The mystic philtre proved to be nothing more magical than white arsenic!

Of the intercepted letter from Mary to Cranstoun; of the sufferings and death of Mr. Blandy, who forgave his daughter and cursed their mutual destroyer; of her flight and apprehension, her trial and execution, and her voluminous literary remains, I have no space left to speak: the reader will find all these elsewhere fully set forth.[1] But he may be interested to know how it fared with Cranstoun. I was able, in my account of the case, to print for the first time certain official documents relative to the attempts made by Government to bring that gentleman to justice. From these it appears that immediately upon Miss Blandy's committal a messenger-at-arms was despatched to Scotland for the purpose of arresting her accomplice. The Sheriff-Depute of Berwickshire, within whose

[1] See *Trial of Mary Blandy, passim.*

jurisdiction the captain then resided,[1] made some difficulty in granting the necessary warrant; when at last he did so, the bird had flown. There was some suspicion in high quarters that this instance of the law's delay was, in the newspaper phrase, not unconnected with patrician local interest. Lord Chancellor Hardwicke ordered the Justice-Clerk of Scotland to hold an inquiry into the circumstances, but that senator exonerated his judicial colleague. It was next proposed to issue a Royal Proclamation, offering a reward for the apprehension of "the Wicked Contriver and Instigator of this Villainous Scheme," *i.e.* Mr. Blandy's taking-off; but the Attorney-General was of opinion that the wanted person might "be gone beyond sea." Such was in fact the case: by the combined efforts of his brother, Lord Cranstoun, his cousin, Lord Home, "and all the Family," that undesirable member had been safely smuggled out of the country. He had reached Dover in a post-chaise, whence, accompanied by a retainer of my Lord Home, on 4th September he embarked for Calais, where a lodging was taken for him "at the Rate of Fifty Livres a Month," and he could read in comfort and security the printed accounts of his victim's trial and execution. It is characteristic of the honourable fugitive that before parting from his preserver he managed to "do" him out of £18.

On 14th March 1752, by order of the War Office, Captain Cranstoun's name was struck off the British Establishment of Half Pay.[2] "His wretched Subsistence in this forlorn Condition depended wholly upon the Goodness of his Brother, who was not only obliged to allow him more than Twenty Five Pounds per Annum"[3]—the residue of his patrimonial interest—but to relieve the pressure of divers tight corners into which the manner of his life occasionally led him. Throughout his exile he ceased not to protest his innocence of the old man's blood and to cast the entire

[1] At Lennel House, Coldstream, one of the family's seats.

[2] *Trial of Mary Blandy*, p. 190.

[3] *Memoirs* (2), p. 25.

blame upon Miss Blandy. One can imagine with what emotions he learned the fact that the venerable attorney died worth less than £4000! So the fatal dowry for which he had sold his soul was as elusory as prestations are apt to prove in contracts to which the Devil is a party. The captain's spoon lacked length.

Under the name of Dunbar—borrowed from his Edinburgh landlady—Cranstoun passed from city to city without finding a continuing one. Boulogne, Paris, Brussels, and Ostend saw him at "his old Tricks"; from each in turn detection of his rogueries compelled his flight. Finally, the ill-bird came to roost in Furnes, at the sign of *The Burgundy Cross*, "in the Queen of Hungary's Territories," which afforded sanctuary from the intrusion of French creditors. Soon his health declined, and as a last speculation he invested his all in the spiritual stock of Rome. "I from my Heart renounce and abjure the Religion in which I was unhappily brought up, and join myself wholly and for ever to the Holy Roman Catholick Church," protested the interesting penitent; whereupon his reverend confessor pronounced him "entitled to all the Joys of the Blessed." Whether or not the investment proved a sound one is unrecorded; but he was presently in a position to know, "for not long after, he was taken very ill, and tormented with such excruciating Pains all over him, and his Body and every Limb of it so prodigiously swelled, that it was thought by those about him he must have burst." After lingering thus for nine days, on 2nd December 1752 "he expired in the most agonizing Torments, and, as some say, raving mad." [1]

Thus died the Hon. William Henry Cranstoun, in the odour of sanctity and the thirty-ninth year of his age. The obsequies of the noble convert were suitably celebrated: "he was buried in great Solemnity, the whole Corporation of the Town attending the Funeral, and a grand Mass was said over the Corpse in the Cathedral

[1] *Memoirs* (2), pp. 28, 29.

Church, which was finely illuminated, and in which he was buried." His personal effects, "consisting chiefly of Laced and Embroidered Waistcoats," were sold to pay his debts. His papers were by order of the family secured and sealed up for transmission "to his Brother, the Lord Cranstoun, in Scotland." [1] They remain inedited.

(3)

The Mysterious Major

> What bloody man is that ?
> . . . The merciless Macdonwald.
> *Macbeth*, Act i. sc. ii.

And now, like the converted Cranstoun, I must say my Confiteor. I set out to describe the figures in the plate, and, behold, of the third person in that Scottish trinity I can tell you nothing. Familiar with the general features of his fellows, I began this paper in the lively hope, justified by the experience of Mr. Micawber, that in the progress of the work something would turn up touching this elusive personality. Major James Macdonald must have attained, in 1752, a certain eminence of infamy to warrant his association with malefactors so notorious as his two companions. He surely was not born—and thus lampooned—to blush unseen. And yet, despite the utmost exigence of research, I have failed to find a trace of him. All the contemporary coverts have been drawn, and all drawn blank ; printed authorities, so far as I had access to them, have been exhausted, and living ones, I fear, even more so, by the rigour of my quest : hitherto the covinous major has completely baffled pursuit. Once I did believe I had my hand on him : one of his name, encountered in Paris by the Rev. Mr. Sterne, accompanied that whimsical divine to Italy, on the occasion of the immortal Sentimental

[1] *The Genuine Lives of Capt. Cranstoun and Miss Mary Blandy ; Capt. Cranstoun's Account of the Poisoning of the late Mr. Francis Blandy*, passim ; *London Magazine*, February, 1753.

Journey. But, alas, *that* James Macdonald died of an ague at Rome in 1766, a few days before Yorick left for home. "He was but twenty-five years old; and in an inscription which his friend, Lord Lyttelton, wrote for a memorial tablet, and which Boswell read at Skye, it is stated that, notwithstanding the difference of religion at Rome, 'such extraordinary honours were paid to his memory as had never graced that of any other British subject since the death of Sir Philip Sidney.'" [1] So he was both too young and too respectable to have been our man.

The only clues to identity furnished by the print are the labels: (1) "I have escaped Hanging, I own I'm a Highland Villain," and (2) "S[outh] Sea An[n]uities, Dam[n] my S[c]hool Master." From the first we need not necessarily infer that he was tried for some crime and was acquitted or reprieved. It may mean no more than that, in the popular judgment, he deserved the rope; for the rest, any denizen of the detested North might from the contemporary English standpoint be so described. As to the second, is it possible that he had some fraudulent connection with South Sea securities, as forgery; and damned the dominie to whose care he owed his calligraphic skill? This, of course, is a mere speculative suggestion, for which I have no grounds. I own myself beaten; this unknown warrior is too much for me. Of one thing, however, I am well assured: no sooner will this confession be published than I shall find out, just too late, all about him. But let him not think so to escape the penalty of his misdeeds: I will dispose of him, should he prove worth powder and shot, in another article. He may lay to that.

[1] Fitzgerald's *Life of Sterne*, ii. 103.

A CASE FOR DE QUINCEY:

A FOOTNOTE TO THE FAMOUS ESSAY

A CASE FOR DE QUINCEY:

A Footnote to the Famous Essay

> A sad thing it was, no doubt, very sad; but *we* can't mend it. Therefore let us make the best of a bad matter; and, as it is impossible to hammer anything out of it for moral purposes, let us treat it æsthetically, and see if it will turn to account in that way.
>
> —De Quincey: *On Murder, Considered as One of the Fine Arts.*

IT is possible—for in the portentous age in which our lot is cast nothing need surprise us—that there are persons who have never read De Quincey's famous essay on murder. Yes; some there doubtless are who have not attended the boxing-match between the distinguished amateur and the Mannheim baker, that Homeric struggle, comprising no less than seven-and-twenty rounds; who do not know how the impassioned dilettante, Toad-in-the-hole, received the good news of the Burke and Hare business at Edinburgh, or in what manner he ceased to be a member of the homicide club, to the accompanying chorus of his brother-connoisseurs—*Non est inventus*; who have not held their breath with the trembling servant-girl outside the locked door of Marr's shop, or peeped behind the petrified journeyman into the dread arcana of the Williamsons' parlour; some who have never shuddered at the hideous face, which "wore at all times a bloodless ghastly pallor," the eyes "frozen and glazed, as if their light were all converged upon some victim lurking in the far background," of him within whose veins "circulated not red life-blood, such as could kindle into the blush of shame, of wrath, of pity—but a green sap that welled from no human heart."[1] Let none who should contemplate

[1] *Miscellanies.* By Thomas De Quincey, ii. 66. Edinburgh: 1854.

perusal of that incomparable paper be deterred by the parrot-cry of morbidity. Murder literature may be, in all conscience, morbid enough, as our modern Press delights to testify; but in De Quincey's hands the subject assumes a whimsical and fantastic lightness which discounts the inherent horror. It is all a matter of treatment. I have been reading an admirable and most attaching book about high American crime, which is a model of how such things should be rendered, namely, with scholarship, humour, and a nice discretion.[1] And that, precisely, is the sauce provided by De Quincey to make palatable his otherwise macabre fare. He can point a moral, too, when, like the immortal Sairey, he is "so dispoged." As thus: "If once a man indulges himself in murder, very soon he comes to think little of robbing; and from robbing he comes next to drinking and Sabbath-breaking, and from that to incivility and procrastination. Once begin upon this downward path, you never know where you are to stop. Many a man has dated his ruin from some murder or other that perhaps he thought little of at the time."[2] I have but one quarrel with De Quincey. He is all for deeds of violence by pistol, knife, or hatchet; he cannot away with the gentle art of poisoning. "Fie on these dealers in poison," says he; "can they not keep to the old honest way of cutting throats, without introducing such abominable innovations from Italy?" Now I venture, with the utmost deference, to hold that the ideal murder is that compassed by means of poison, which is, as one may say, the only polite medium, avoiding those displeasing elements, so painful to well-regulated minds, inseparable from the shedding of blood. In this I may seem to be inconsistent, for in the Borden Case, to which I have referred as a pure and perfect example, the instrument

[1] *Studies in Murder.* By Edmund Lester Pearson. New York: The Macmillan Company, 1924. One of these—the Borden Case—as here most excellently recounted, is quite the best murder I have ever read.

[2] *Miscellanies*, ii. 46.

THE HADDINGTON MURDERS!

The Life, History, and Transactions of Robert Emonds, with his Confession of the manner in which he committed the Murders; also the Life and History of his wife, and Mrs Franks and her daughter; together with the full particulars of Emond's Behaviour and Conversation in the Jail up to this day, Monday 15th February.

IN laying before our readers the following particulars respecting Emond, we assure them that they contain the substance of every thing that has transpired regarding that individual and his unfortunate victims. To a gentleman in the jail, the North Briton Newspaper, and a native of Selkirk, we are indebted for our information.

We shall therefore commence with the history of Emond, as related to us by a school-fellow of his own. Emond was born in Selkirk, his father was a labourer, and both his parents were accounted people of quiet and honest dispositions. While at school Emond showed various examples of his cunning and ferocity, and would glory in seeing some of his mates punished for faults which his low cunning would transfer from himself to them. He was universally hated and feared by his play fellows, and so fiendish his disposition, that he was generally known by the nick-name of the Fiend. From the general hatred borne to him in the village, through his own hypocritical and disobliging manner, he left it in the early part of his life, and entered into his majesty's service. After being discharged, he returned to his mother's, his father having died; his demeanour was uncommon good, attend divine worship regularly, and never showed any signs of inebriety. Having paid attention to his education, and could write a very good hand, with without knowing where, although she was in possession of a very good business, until she saw Emond abstracting coals daily from the drawer and bidding it in a coal cellar, where he had kept a hoard for some time.

His wife and her sister Mrs Franks had a considerable sum of money deposited in a bank in their joint names this sum, above two hundred pounds Emond was wishing to get hold of to enter into a speculation which he said and then threw her into the pig stye. He next bethought him self that Magdalene Franks was still alive and might bear witness against him; so having dispatched her mother she instantly returned to the house, and beat in the brains of the daughter with some heavy instrument which he calls a bludgeon, but which, from the nature of the wounds inflicted must have had sharp angles. He had no sooner done so, however, than he was struck with remorse, and in order to conceal from his all we have learned of her. Magdalene Franks appears to have been a simple child of nature the more interesting that he was just bursting into womanhood. She was the favourite of every body; her beauty, her innocence, her cleverness, her good humour and naivete engaged the good will of all who were acquainted with her. The old woman who shrouded the two bodies remarked that "Magdalene Franks was the pride of the village, for her modest demeanour, and dignified way in which she hackney coach: on alighting and entering the outer gate, and appearing to be in a very cheerful and communicative mood, with a great deal of levity in his manner and bearing, he was accosted by an individual present as follows:— 'Emond, I think you ought to drop that levity now.' He replied, 'Mr I am happier now than I have been since I was in jail.' Mr —— then said, 'I hope you are eased of a burden by having made confession of the facts.' To which he answered, 'I never denied them, but have to acknowledge the justice of God in all things.' Mr —— then said, 'Emond are you guilty of the murders or not?' He replied in the affirmative; 'I was the man who committed the murders, for which I am justly condemned.' He several times repeated the word's God is just in all his ways, with reference to his own case: this took place on his way from the gate to his cell. After the trial was over a bed was made down for him; on his entering the cell and looking at the bed, he said, 'I suppose you have been prepared for me during the day.' He was answered 'Not as the preparations have only been made since the trial was concluded.' He then submitted very quietly to be ironed. During this appaling conversation his firmness and self-possession continued unshaken, and he slept soundly for several hours thereafter.

Emond frankly confesses that he intended to commit suicide if

his conversation on a variety of topics, he was advised to open a school in the village, which he did for some time; but as this is an employment not congenial to persons of a ferocious and impatient temperament, his cruelty soon left his benches unoccupied. This plan failing, he purchased a quantity of worsted and other soft goods, with which he travelled. During his peregrenations as a packman, he met with his present wife, who was known for many years all over the border by the name of Highland Mary; she was brought up on the Duke of Gordon's estates, and came to North Berwick as a Highland shearer, and by industry and frugality, by travelling with a pack, she was known often to have a stock of Lace, silk mercery, and other fashionable haberdashery goods, worth from three to four hundred pounds. Her partiality for Emonds astonished those who were acquainted with them, and could only be accounted for from his great sobriety and steadiness, and being in possession of a pack also pretty valuable; he was never seen to join in that social and jocular bursts of good humour so characteristic of scotch pedlars, and which makes them receive so hearty a welcome to the farmer's blazing ingle. It is only three years since Emond and his wife took up house, first in Sunderland and then in North Berwick, and it is said, with what truth we know not, that their children were born before their marriage was publicly acknowledged. They were far from being happy together, as they had continual bickerings, and his usage of her was very harsh; in fact, her spirit was so much broke down by him, that from the neat, clean, and tiddy appearance she was always remarkable for, she became slovenly and quite careless of herself; she found her profits disappearing and the repeated advice she gave to her sister not to consent to it, was the reason he bore Mrs F. such deadly enmity; and it was for the same reason he bore such an antipathy against the haberdasher in the south, who supplied Emond with goods, and whose advice was asked by the sisters. Under the influence of this feeling he meditated revenge on the parties and on the sunday before he committed the horrid deeds, he had a serious quarrel with his wife on the subject, and so savage was his determination that he actually forced her to the side of a deep draw well and was in the act of throwing her bodily into it, when she was happily rescued by a woman who had heard her stifled cries. The following is his own account of the manner in which he accomplished the murders:

During the evening stricken with remorse for his usage of his wife, he determined to be revenged on the person he believed to be the cause of his domestic disquietitude, and accordingly left his room by the window, after fastening the door inside, to make his family believe that he was in bed, and set out for Abbey with a predetermined purpose to murder Mrs Franks. When he reached the cottage he knocked at the garden door, at the same time announcing himself, and Mrs Franks knowing his voice, after a short time admitted him. Then Emond contrived to lead her into conversation, and having thus thrown her off her guard, he struck her a violent blow with a bludgeon, which however, had not the effect of stunning or depriving her of her senses; for, strong with terror and the love of life, she ran out of the house and fled towards the garden-door, pursued by Emond. He overtook her near the pigstye, seized hold of her, cut her throat with his penknife

Mrs Franks enjoyed a pension from the present Lord Elcho's grandfather, the earl of Wemyss, whom her husband had long served in the capacity of butler; to this pension his lordship lately made an addition. She was of a kind and obliging disposition. Magdalene was about fifteen years of age, and remarkably pretty, attentive to her lessons, and shewed considerable aptness for the acquisition of knowledge; she was uncommonly dutiful to her mother and to her acquaintances kind and obliging; she was also very tiddy and neat in her dress, and it was affecting to observe her parasol, frills, reticule, and sundry other articles of wearing apparel lying in the same state of careful order in which she had left them, neatly folded and covered with handkerchiefs, probably not many hours before her young head was literally shattered by the deadly blows of a ferocious murderer. Indeed, from

younger daughter surviving, and lives with her aunt, Mrs Emonde, who still retains the same premises in North Berwick, but she has resumed her maiden name and got "Magdalene *Manie*" painted on the sign-board above her shop door.

Emond appeared quite composed during his trial, and after he left the Court he remained silent till he had entered the Lock-up-house, when he begged the turnkey for a draught of water, which was given him, (after which he asked for bread, which he also got and ate greedily. He then demanded his day's allment, to purchase pens, ink, and paper, and after some talk with Christie the turnkey received sixpence in lieu of it. He exclaimed much against the evidence of Tait saying he never made such a declaration as that fellow swore to, to any person on earth, or until that moment when he acknowledged his guilt and said he felt much relieved in consequence; adding I am now resigned to my fate.' He ascribed his ruin chiefly to a haberdasher in the southside, who he believed was the cause of the mischief between him and his wife; but he had determined to publish the whole history of the case, as well as how the murders were done, and the great provocation he got. Nothing he said grieved him so much as the thought of his poor mother, who lives in Selkirk, and is now upwards of fourscore, as he was sure his unhappy fate would bring her to the grave. He had also a brother he said for whom he was very sorry. While eating his bread he observed, "You may perhaps think I am a hardened man, but you are mistaken, I am not; and although there can be no pardon in my case from man, there is pardon from the Almighty, and to that I trust.' About 5 o'clock tuesday morning, Emond was brought to the Canon Jail from the Lock-up-house in a

given him by a humane individual, convinced him that such an act would only add one crime more to the catalogue of his enormities. His nights are passed in broken slumbers, from which he generally awakes in hurried starts, betraying an awful state of mind which he feels himself quite unable to describe. In the daytime he exhibits the same restlessness and uneasiness, and is haunted by the phantome of his bleeding victims, until his mind, overwhelmed by midnight visions and day dreams of guilt and punishment, becomes excited to a state bordering on frenzy, under the influence of which he talks wildly and incoherently; but these paroxysms are seldom of very long continuance, as he generally finds relief in tears, and when he his mind is somewhat eased, he resumes his natural manner. He does not seem much concerned when the murder of Mrs Franks is mentioned, but whenever the name of Magdalene Franks is mentioned, or the idea shoots across his mind, he is immediately seized with the most dreadful fits of dispair, and exclaims, 'The innocent blood calls for vengeance' The miserable wretch has not yet explained in what way he left the premises. When speaking of the pen knife, he said 'Little did the superintendent of police for Haddington ken what the whittle did which he carries in his pocket. To those pious men who visit him he converses freely, and seems anxious to apply himself in the only way that will entitle him to hope for the pardon of his sins.

Glass, Printer, 9, S. Middry Street, Edinburgh.

Price Two Pence

CONTEMPORARY BROADSIDE OF THE HADDINGTON MURDERS.

(From an original copy in the possession of G. H. Steenson, Sheriff-Clerk of Haddington.)

employed was an axe. But there the whole circumstances of the crime were such as to extenuate the crudeness of method, and it is to be noted that violence was only resorted to after poison had been tried and had failed.

The criminal in whose behalf I am bold thus to evoke the august shade of De Quincey was savage enough, and the crime which he committed was sufficiently bloody, to satisfy the standard of that fastidious critic. See how the manifestation of the murderer's power was appreciated by his contemporaries :—

Atrocious Murder at Haddington.—No event has occurred for many years past which has produced in the town and neighbourhood of Haddington such a deep sensation of horror and astonishment as the murder of Mrs. Franks and her daughter. It is a deed of cold-blooded atrocity which rivals the worst crimes of the kind that are upon record ; and we remember nothing at all to which it can be compared except the well-known murders of the Marrs and the Williamsons in London, which at the time spread such a panic over the whole country.[1]

The Haddington affair, had he heard of it, might have furnished De Quincey with a footnote, as the date was within the scope of his inquiry, and the family likeness to the achievement of his favourite John Williams, if known to him, could hardly have failed of appeal. But no doubt the then recent sensational liquidation at Edinburgh, involving the extensive concerns of the Irish firm of Burke and Hare, outshone in interest all less brilliant operations, and the dealings of the Scots practitioner suffered unmerited eclipse. Be it mine to restore him to his rightful place among the lesser lights of the criminous firmament. A further literary analogy will occur to readers of Edgar Allan Poe : the slaying of Mrs. Franks and her daughter Madelina recalling in its fierce brutality that of Madame L'Espanaye and her daughter Camille, so splendidly portrayed in *The Murders in the Rue Morgue.* For sheer force of horror there is little to choose between them ; if

[1] *Edinburgh Evening Courant,* 31st October 1829.

anything the odds are in favour of the Orang-outang as the more human animal.

Haddington, the county town of East Lothian, enjoys, apart from the distinction thus bestowed upon it, considerable fame in the possession of the great historic church, known of old as *Lucerna Laudoniæ*, or the Lamp of Lothian, and as being the reputed birthplace of John Knox, that most effective extinguisher of ancient lights. In later times its annals were further enriched by a very singular murder: that of Sir James Stanfield by his own son, an unfilial proceeding of which I have elsewhere given some account as the last case in Scotland where a murderer was subjected to the ordeal by touch.[1] The discovery of the crime with which we are now concerned was on this wise. In October 1829 there lived in the hamlet of Abbey, about a mile eastward from Haddington, a widow named Mrs. Franks and her daughter Madelina, a pretty girl of fifteen. A younger child was away from home on a visit to an aunt at North Berwick. The husband of Mrs. Franks had been butler to the late Lord Elcho, and she was in receipt of a pension from the Earl of Wemyss. A native of Ross-shire, Catherine Munro or Franks was a woman of forty and upwards. Her circumstances were comfortable, her conduct beyond reproach, and she enjoyed the goodwill and esteem of her neighbours. The house in which she lived was distant some eighty yards from the nearest inhabited dwelling, and stood in the midst of a small garden, enclosed on three sides by a stone wall, six feet in height, the southern boundary being formed by a mill-lead. The last time the widow and her daughter were seen alive was on the afternoon of Sunday, 25th October 1829, on their return from church at Haddington. On the following Monday and Tuesday they were not noticed going about as usual, but this excited no surprise as it was thought that they had gone to visit their relatives at North Berwick.

[1] "The Ordeal of Philip Stanfield," *Twelve Scots Trials*, pp. 63–84. Edinburgh: 1913.

Not till Wednesday the 28th was any suspicion aroused. Between eight and nine o'clock that morning one of the neighbours, a miller's man, "attracted by the piteous cries of the pig in the garden, which he supposed to be in want of food," and believing that the inmates were from home, climbed over the wall with the humane intention of ministering to the animal's need. To his inexpressible horror he discovered the body of Mrs. Franks lying within the covered part of the pigstye. Her throat had been cut and there were several dreadful wounds on her head. An alarm was instantly raised, and on the neighbours flocking to the house the door was found to be locked; but it was noticed that two panes of glass had been broken in one of the lower windows. This window they opened; the key of the outer door lay inside the kitchen window. A search of the house disclosed the body of Madelina, stretched on the floor of the bedroom, with her skull completely battered in. The wedding-ring, ear-rings, and watch belonging to the widow had been carried off and her repositories ransacked. "The ear-rings were torn from the ears of Mrs. Franks," says the *Courant* reporter; "her garments consisted of a blue striped wrapper, which had been loosely thrown on, and a petticoat; she had no stays, nor any covering on her head, and was without either shoes or stockings. Her shoes, however, were found in the pigstye, as if they had been thrown in after her. The daughter was dressed in a black frock nearly loose, being only fastened by one button or loop in the upper part; she had nothing on her head, and no stays; one stocking had been drawn on, and she appeared to have been in the act of drawing on the other when she received the deadly blow. She lay with her feet towards the bed, and almost under it; and over her head was thrown a double fold of the carpet, under which was found a tableknife belonging to the house, covered with blood. A great quantity of blood had flowed from her wounds and penetrated the carpet to the floor, on which it had left a large stain. Such," he concludes,

" appear to be the leading facts of this most lamentable and atrocious case." [1]

The murder, it was believed, must have been committed on the Sunday night, for Mrs. Franks was known to have arranged that Madelina should go to school at Haddington on Monday morning, and the girl had not gone. How the murderer got into the house was much discussed. Some held that he had been admitted by the inmates, who, from the state of their dress, seemed to have been preparing for bed. Others, that he had forced an entrance by the window without alarming those within. The house consisted of two flats, the lower divided into three apartments. The widow and her daughter slept in the west room; the kitchen was in the middle; the east room was unfurnished and was separated from the kitchen by a passage. It had two windows, one and a half feet from the ground, in one of which the panes had been broken and the flower-pots on the sill thrown down. " These facts," resumes our authority, " would seem to show that the murderer had secretly entered the house by the window; that he had encountered the two women, one of whom he had murdered, while the other, having escaped in order to give an alarm, was overtaken and murdered at the back of the garden door, where a great quantity of blood was seen, partially covered with sand and gravel, a great part of which was thrown up against the garden door to prevent its being opened. Traces of blood were visible from the garden door to the pigstye, the door of which was also stained with blood. After accomplishing his purpose, the person must have returned and locked the house door on the inside. It is believed, however, that the breaking of the window was only a blind to conceal the real mode in which the house had been entered." Some of the deductions thus drawn by the Sherlock Holmes of the *Courant* are, as we shall see from the evidence, unworthy of his great successor.

[1] *Courant*, 31st October 1829.

At first sight robbery seemed to have been the motive, but the crime presented certain remarkable features which tended to take it out of that simple category. The brutal violence employed, the shocking character of the injuries inflicted, and, above all, the horrid circumstance of the body being cast into the pigstye, suggested the Scriptural inference: "an enemy hath done this." These unusual attractions were highly appreciated in the district, and hundreds of people visited the scene of the crime. Among them, moved by a more legitimate interest, came from North Berwick the brother-in-law of the dead woman, one Robert Emond, to arrange for the funeral of the victims. Mr Emond's manner attracted unfavourably the notice of the Sheriff's officer in charge of the case. The brother-in-law refused to enter the room where the bodies were exposed until they had been laid out for burial, and only did so then with marked reluctance. The officer communicated his suspicions to the Sheriff; but the facts, as consistent with the natural feelings of a bereaved relation, were not deemed sufficient to justify an arrest. While Emond was completing the funeral arrangements a letter reached the authorities at Haddington from "a gentleman of rank and consideration, residing in the neighbourhood of North Berwick," [1] stating further grounds of suspicion against him; in particular, that he had been absent from his own house during the whole night of the murders. So the brother-in-law, coming back with the village carpenter to measure the bodies for their coffins, was promptly apprehended and lodged in Haddington gaol. Next day his house at North Berwick was searched; the clothes he had worn on the fatal Sunday were damp, as from recent washing; his shoes, concealed beneath the bed, were found to correspond with the footmarks at the cottage; and a large carving knife which he had hidden was discovered. The arrested man was a dealer in groceries,

[1] Apparently Major-General Dalrymple of North Berwick, later a witness at the trial.

haberdashery, and sundry other wares—the usual small shopkeeper of a country village. He is described as "about thirty-four years of age, 5 feet 4 inches in height, of slender make, with a sallow complexion, a narrow forehead, long visage, and a sullen expression in his look." [1] As a hawker he had been long familiar with the countryside; yet "when seen on the Drem road in the grey of Monday morning," he was asking everyone he met the road to North Berwick, "and even called at a house at Fenton to make a similar inquiry"—as appears, in a clumsy attempt to establish an alibi. "Another singular fact is that his hair used to be of a light colour, nearly flaxen, but within these few days, and previous to his apprehension, it has become jet black." [2] Certain bloodstains upon the wristband of his shirt he explained as due to a bleeding from the nose. None of the stolen property was found in his possession nor anything likely to have been the weapon that struck the blows, which seemed to have been given with a hatchet. A curious fact was that in "riping" the repositories the murderer threw aside a small snuffbox, containing a deposit receipt for £17, 10s.

In presence of the Sheriff-substitute for the county the prisoner emitted no less than four declarations, namely, on 29th October and 3rd, 5th, and 6th November, the nature of which will presently appear. Pending his trial, the newspapers continued vigorously to promulgate the accused's guilt; the contents of his declarations, as they said, "transpired," and his projected defence was scouted, all in flagrant contempt of the administration of justice. So on 7th December the prisoner's advisers took action in the High Court of Justiciary.

Mr. George Patton, advocate, appeared for Robert Emond, at present imprisoned on a charge of murdering Mrs. Franks and Madelina

[1] *Courant*, 5th November 1829.

[2] Even a more striking example of the effects of bereavement than the case of Lady Harbury, cited in *The Importance of being Earnest*: "I hear her hair has turned quite gold from grief."

Franks her daughter, and stated that since the commitment various statements had been published relative to the case, both as to the evidence to be adduced against the complainer, and as to the supposed motives by which he was alleged to be actuated ; that, latterly, a paper had been printed and circulated by Robert Menzies, No. 304 Lawnmarket, which pretended to be a letter from the prisoner to his wife, but which was a fabrication, in which he is represented to have expressed great fear as to the discovery of certain articles of evidence, and to have made such statements as tended to inculpate him directly in the guilt of murder. He therefore moved that the Court would grant an order against the farther publication of the said paper, or similar statements or accounts of Emond's case, or to do otherwise as to the Court might seem meet.

The Court having heard the above motion, they prohibit the said Robert Menzies from publishing or circulating the paper or pretended letter in question, or any other statements relative to the alleged murder of Mrs. Franks and Madelina Franks her daughter, which may be prejudicial to the prisoner Robert Emond, or doing anything whereby the same may be published, till the proceedings against the said Robert Emond are brought to a conclusion ; and recommend to all other publishers to abstain from doing so.[1]

The trial took place before the High Court of Justiciary at Edinburgh on Monday, 8th February 1830.[2] At an early hour the precincts of the courtroom were besieged by crowds of would-be auditors. At nine o'clock " the gentlemen of the press " were admitted and accommodated with seats behind the dock ; " the French Consul, Chevalier Laine, sat within the bar." At ten o'clock the prisoner, guarded, having been brought into Court, the judges entered. These were the Lord Justice-Clerk (the Right Hon. Robert Boyle), and Lords Gillies, Mackenzie, and Moncreiff. The Lord Advocate (Sir William Rae, Bart.), assisted by his deputes, Archibald Alison and Alexander Wood, led for the Crown ; Duncan M'Neill and George Patton conducted the defence. At the great trial

[1] Shaw's *Decisions of the Court of Justiciary*, 1819–31, No. 202, p. 229.

[2] There is no official report of the case, but the proceedings are well and fully reported in the *Edinburgh Evening Courant*, 11th February 1830, and a briefer account is given in the *Annual Register* for that year, pp. 316–320. There is also an excellent report in pamphlet form, pp. 32, my copy of which lacks the title-page.

of Burke and Macdougal some thirteen months before, Justice-Clerk Boyle had presided and the same counsel had prosecuted, M'Neill there appearing for Burke and Patton for Macdougal. The indictment charged the prisoner with the crime of murder in respect that on the night of 25th–26th October 1829, within Mrs. Franks' house in the village of Abbey, he did

violently, wickedly, and feloniously attack and assault the said Katharine or Catherine Munro or Franks, and you did with a tableknife, or hatchet, or some other sharp and lethal instrument to the prosecutor unknown, inflict on the said Katharine or Catherine Munro or Franks a severe wound across the throat, by which her throat was cut, and did inflict ten or thereby severe cuts or wounds on her head and face, by which her skull was fractured in several different places, and she was thereby severely and mortally wounded and immediately died from the injuries thus received, and was thereby murdered by you the said Robert Emond: And you did farther, time aforesaid, within or near the said house, violently, wickedly, and feloniously attack and assault the said Magdalene or Madelina Franks, and you did with a tableknife, hatchet, or some other sharp and lethal instrument to the prosecutor unknown, inflict on her eight or thereby severe blows or cuts on the head, by which her skull was fractured in several different places, the upper part of the cranium broken in pieces, and she was instantly bereaved of her life, and thereby murdered by you the said Robert Emond.

The four declarations by the prisoner, and fifteen articles specified in the inventory annexed to the indictment, were produced in evidence against him. The accused having pleaded not guilty, a jury was empannelled, and the prosecutor adduced his proof.

The first witness was Robert Riddell, Sheriff-substitute of Haddington, who had judicially examined the prisoner. He identified the declarations and the several articles produced. John Mason and William Johnston, land surveyors, proved two plans of the house and garden, and a map of the county, made by them.

Marion Inglis or Monfriese or Moncrieff, residing at the Abbey of Haddington, said she knew Mrs. Franks and her daughter well. They were in the habit of getting milk

from her nightly, and were at her house for that purpose at 8.30 p.m. on Sunday, 25th October. They had on their Sunday gowns, and Mrs. Franks was wearing her rings, ear-rings, and watch. On the Monday morning witness's daughter went down to see Madelina. She came back immediately, saying that she had knocked at the garden door but got no answer. She supposed that Mrs. Franks had taken Madelina to school at Haddington. At noon witness herself went to the house; the garden door was fast, the shutters were closed, and there was no smoke from the chimneys. She thought they must have gone to North Berwick to visit Mrs. Emond. On the Wednesday morning she heard of the murders, went to the house, and saw Mrs. Franks' body in the pigstye and Madelina lying dead in the west room. She described their clothing; the girl had one stocking on and the other half drawn on. The bed had been occupied by two persons; mother and daughter usually slept together. A week before her death Mrs. Franks told witness that she sent some of her things to North Berwick, and on going there found her boxes had been opened; that she accused her brother-in-law, "and there was very sore contention about this." In the course of the quarrel Emond, as reported by Mrs. Franks, used such minatory language that witness asked whether she was not afraid of him. "She answered, no; would she fear the arm of flesh?" The actual words used by Emonds witness could not recollect—"they were words of fearful and threatening import." Mrs. Franks said that Emond's purpose was to prevent her going to live at North Berwick, which before the quarrel she had meant to do, but after what happened she said she would not go. In reply to the Court, witness herself in such circumstances would have been afraid of him.

Ann Stronach, teacher, Haddington, told how Mrs. Franks had arranged to send her daughter to school that Monday and seemed very anxious she should go. Witness was surprised at her not coming.

James Storrie, miller with Mr. Dudgeon at the Abbey, knew both Mrs. Franks and her daughter; he last saw them alive and well on the Sunday. On Wednesday he went over their garden wall "to see if the pig had meat." The door was fastened on the inside. He found the body of Mrs. Franks lying face downward in the stye. He opened the garden door and gave the alarm. Mr. Dudgeon and others came. He described the locked house door, the broken window, the finding of the key, and the discovery of the girl's body in the bedroom. He did not step among the blood; and though he wore iron heels, they were not like those on the shoes produced. Alexander Dudgeon, his master, corroborated. He said that his house was distant eighty yards from the scene of the tragedy. He saw that the garden door was held by a stick and a quantity of gravel against the foot. There was blood upon the gravel and on the back of the door. Mrs. Franks' body was hidden from view by the covered part of stye; the pig was there. He corroborated Storrie as to the condition of the house and the finding of Madelina. A carpet was over her head and a bloody knife lay on the floor beside her. He saw upon the floor the prints of a shoe. He did not step in the blood, nor were his heels like those of the shoes produced. Margaret Dudgeon, daughter of the preceding witness, had noticed on the Monday morning that the shutters of the house were closed. She it was who sent Storrie to the relief of the pig.

John Lloyd, superintendent of police, Haddington, heard on 28th October of the murders at the Abbey, and with two officers visited the scene. By that time the body of Mrs. Franks had been removed to the house. He described the appearance of the bodies and the state of the bedroom. The bedclothes were folded back, and two pairs of stays lay on the bed. The room was in confusion; the drawers had been broken open, and their contents pulled out. In various parts of the room he noticed the prints of shoes. The footmarks were those of an entire shoe,

with an iron heel which had a double rim, with small round tackets between the outer and inner rims. Shewn the pair of shoes produced, witness said they corresponded with the marks in every particular. The flower-pots on the sill of the broken window had been knocked down. Sand and gravel had been heaped up behind the garden door, on which there was blood, as also on that of the pigstye. He first saw the prisoner in Mrs. Franks' house at six o'clock on the Wednesday night. Witness invited him as a relative to go into the room and see the bodies, but he refused, and seemed much agitated. After the bodies were " dressed " he agreed to go in ; even then he did not look at them, but fixed his eyes on the clock. Along with Emond witness examined the drawers, and found a deposit receipt for £17, 10s. " Prisoner put out his hand to get hold of the receipt and some silver spoons, but witness did not give them to him." The superintendent told him he must go to Haddington " to claim the property before the Sheriff " ; they went together, and by the way Emond said he wished the bodies buried next morning, " as it was no use to delay the funeral." Asked when he had last seen his sister-in-law and whether they were on good terms, he said he had not seen her for three weeks ; " she blamed him for breaking open a chest of hers which was lodged in his house at North Berwick. Mrs. Franks had abused him and his wife, saying that they had some money of hers and she would have it back." That night witness arrested Emond on suspicion of murder ; he remarked, " Who could say that ? " Witness said his own conduct since Sunday was enough to accuse him. A pound note and seven shillings were found upon him. The shoes he then wore had not iron heels. In presence of the Sheriff and of General Dalrymple witness searched the prisoner's house. He found the shoes with the iron heels, which were afterwards compared with the marks on the floor ; also a blue coat, a pair of " Esterhazy trowsers," a shirt, worsted stockings, and a hat. There was blood upon the hat, on the

wrist-band of the shirt, and on the right-hand pocket of the trousers. He saw Emond in Haddington gaol on the following Friday; the prisoner said that he deserved the gallows for the usage he had given his wife. Witness found neither the watch, the rings, nor the ear-rings; there was no instrument with blood on it except the knife found in the bedroom. "Prisoner never mentioned a word about the murders, nor threw out any observation how they might have been done. In going along the road he asked witness how he could get the deposit receipt cashed."

Robert Birrell, sheriff-officer, described the appearance of the bodies and the condition of the house. He assisted at the comparison of Emond's shoes with the footprints; they exactly corresponded. He had been bred a shoemaker, and was satisfied that the marks had been made by those shoes. Cross-examined by Mr. M'Neill, such heel plates were cast, and being all cast in the same mould would be all of the same size. Their price was twopence a pair. Any other heel of the same size would give the same measurements.

Thomas Howden, surgeon, Haddington, proved the medical report made by him on the post-mortem:—

Haddington, 28th October 1829.

By order of the Sheriff, we the undersigned this day examined the bodies of the deceased Catherine Munro, widow of the late James Franks, and Madelina Franks, at the Abbey near Haddington.

In observing the body of Catherine Munro we found the throat cut, the head, face, and neck covered with blood. Upon removing the hair from the scalp, ten incisions of different sizes were found on the left side of the face and head, some of them so large as to expose the brain. That on the face extended from the internal angular process of the frontal bone to the left ear, penetrating and dividing a portion of the superciliary arch, and fracturing the malar and superior maxillary bones. The frontal bone was also fractured from the left orbit to the coronal suture. The superior part of the temporal, and a large portion of the parietal bones were broken into numerous pieces. There was likewise a cut in the posterior part of the head, penetrating through the cranium.

Upon examining the throat we found the windpipe, gullet, and right carotid artery completely divided. No other marks of violence could be discovered on the body.

We next examined the body of Madelina Franks and observed before moving it the hair of the head was completely clotted with blood and brains. Upon removing the hair eight wounds appeared on the scalp, most of which penetrated into the brain; and the whole of the upper part of the cranium was broken in pieces.

No marks of external violence could be observed on any other part of the body.

From the above appearances there is more than sufficient to account for their death; and we are of opinion in both cases the wounds of the head have been inflicted by some heavy cutting instrument. The above is certified upon soul and conscience.

THOMAS HOWDEN, Surgeon.
E. BLACK, Surgeon.

Mr. Howden, examined, said that a knife must have been used to cut the throat of Mrs. Franks. It was quite impossible that the injuries could have been self-inflicted. The bodies appeared to have been dead three days. He had examined some clothing belonging to the prisoner; he found bloodstains on the hat and upon the drawers, shirt, and trousers. The stains had all come from the outside. Some parts of the clothes had been recently washed.

James Gillies, sheriff-officer, Haddington, was in the cell with the prisoner on the night of his arrest. He took away Emond's drawers, as he saw they were marked with blood. When he came back, Emond asked whether there was blood upon them, and then showed a fresh bloodstain on his shirt, which he said was caused by his finger: he had "rufled" the skin. This stain was not there when the drawers were taken; the marks upon them were not fresh.

Catherine Franks, aged eleven, younger daughter of Mrs. Franks, examined but not sworn,[1] said the prisoner's wife was her aunt. She had been living with them at North

[1] The record of this case bears "Catherine Franks not put upon oath, being only eleven years of age."—Shaw's *Justiciary Cases*, No. 203, p. 230.

Berwick. On the Sunday of her mother's death, when she came home from church she found her aunt in a grievous plight: "her gown was all torn at the back, and her back was wet; her mouth was blistered." Uncle was then in the house. Her aunt shared her room that night and bolted the door; uncle slept upstairs. In the morning his door was found fastened and they could get no reply; an officious friend, Mrs. Cron, was urgent that the room be searched, so a neighbour climbed in by the window and let in Mrs. Cron and witness, but Emond was not there. When her uncle came home later "she was frightened to look at him." He had on a blue coat and "Esterhazy trowsers." They were wet, and so were his shoes and stockings. He said, "How are you all this morning?" and explained that he had been at Dirleton, walking by the seaside. She identified the articles produced as those he was then wearing. When her mother was last at North Berwick there were high words between her and uncle about a trunk.

James Patterson, the next-door neighbour, corroborated. He was desired by Mrs. Cron to go to Emond's room; he got a ladder and entered by the window. The prisoner's bedroom door was barricaded with a chest of drawers and a table. The bed had not been slept in. When Emond came home on the Monday he looked tired and seemed confused; he said he had been wandering in the fields since five in the morning. He told witness that Mrs. Franks was expected that day, and said he was going to take no more abuse from her. Mrs. Patterson corroborated her spouse; Emond on his return had a very wild appearance. When she mentioned later the discovery of the bodies he observed "it did not look well." Major-General Dalrymple of North Berwick, a magistrate for East Lothian, heard of the murders on 27th October, and along with Charles Ramage, constable, searched Emond's house; the articles they found there were identified by them in Court.

The evidence of several witnesses who on the Monday morning saw the prisoner returning from his nocturnal expedition followed. John Lockhart, North Berwick, met him about nine o'clock at North Berwick Toll. He was much agitated and very dirty; his shoes and stockings were very muddy. It was a fine dry morning and the Sunday had been fair. Thomas Cron met him between eight and nine about a mile from Dirleton, going towards North Berwick. Alison Webster or Bolton said that he called at her shop in Dirleton shortly after eight and asked for a drink. "His appearance struck her very much: it was so different from his usual look. He was all blood about the mouth, both above and below. His pantaloons were rolled from his ankles upwards; he was agitated and his tongue faltered." He explained that he had been "walking about the coast for two or three hours." She noticed no blood upon his clothes. John Walker, North Berwick, met him about 7.15 a.m. opposite Begbie's farm, Queenstone, near Fenton. He was coming from the direction of Haddington and going towards Dirleton. He asked witness how far he might be from North Berwick. Witness replied he would probably know himself, having come that road in the morning. Emond said he had been round by Whitekirk, in the direction of Dunbar. "His dress was in disorder, his pantaloons folded up, and he carried a piece of checked cloth in his hand. His mouth was dirty, but it did not strike him (Walker) as bloody." William Dalgetty, Drem, saw him at Drem Mill, going towards North Berwick in the grey of the morning. Hugh Goodlet, Dirleton, met him going towards North Berwick, opposite Captainhead, between five and six o'clock.

John Low, North Berwick, spoke with Emond on the Tuesday before the discovery of the murders. He said he had had a difference with his wife, and to escape from her had been forced to leave his room by a window on the Sunday night, "and had gone to take a walk." He was much agitated, and remarked that "the devil had been

very busy with him." Mr. Dods, Provost of Haddington, received a message from the prisoner, asking to see him in gaol. He wanted to know whether "anything had come out against him during the precognition," *i.e.* the preliminary investigation; and observed, "I don't see how they can find evidence to convict me." His optimism, however, was not justified in the event.

The Lord Advocate then proposed to examine two prisoners who had shared the pannel's cell. His lordship was aware of the objections that might be taken to such witnesses, but they had been only accused of theft and not convicted, so he had procured for them, and produced, His Majesty's free pardon to enable them to give their testimony. Mr. M'Neill said that in these circumstances he could not object to the evidence, but he would have something to say as to its credibility. Robert Tait, sometime prisoner in the Calton Jail, Edinburgh, having described the regrettable lapse which had landed him in that retreat, said that Emond slept in the same cell with him and Murray. His sleep was broken by cries of "Oh, that wretched passion!" He gave witness a brief account of his life. "He said he was a man who had been very strict in his religious duties; that he had been a soldier, and even then attended closely to those duties; that he had lived comfortably till lately, when he and his wife quarrelled and could not live in peace, because she had been stirred up against him by false reports—by whom he did not say. He said that he had intended to have gone on the Sunday to the Sacrament at North Berwick, but his wife had caused a quarrel; that he left home that night and did not know where he went till he found himself near his own house again in the morning. He said he could not account for where he had been; and that he went in and attempted to pray, but could get no utterance and arose from his knees ashamed"—which, looking to the nature of his night's work, is not surprising. One morning, after being shaved, he said he meant to instruct

his agent that the blood found upon his clothes was due to "the tenderness of his face when shaved." His memory improving, he confided to his fellow-prisoners that he did the deed, but asked them not to mention it. "He said all that he remembered was of going to his good-sister's house; that he got entrance to the garden from a private road, and from the garden to the house through a window. He had some words with his good-sister, 'and it was done.' He was surprised when he heard of the girl being also dead, for he did not recollect of having seen her at all. He came out of the house by the same way that he obtained admission." Tait's conscience afterwards moved him to communicate these facts to the authorities. Daniel A. Murray, the other cell-mate, corroborated.

The Crown case closed with the reading of the pannel's declarations. In these he denied all knowledge of the murders and maintained that he had never been near the Abbey that night. On Sunday afternoon he had "a difference" with his wife, who had unjustly accused him of secreting money and spending it improperly. Resenting these imputations he "used her cruelly," dragged her to the draw-well at the back of the house—not for the purpose of casting her into it, "but only of frightening her for the abuse she had given him"—and struck her on the head with a three-quart earthenware bottle. In consequence of these marital amenities his wife "desired to see him no more," and closed the conjugal door against him. Fearing "the approach of constables"—the lady had intimated her intention to appeal to the law for protection—he let himself out by a window, meaning to leave the place and his wife for ever. Putting on an old discarded coat which he found in an outhouse, he rolled his blue coat into a bundle for fear of rain, and lay down for some three hours in the pigstye. He spent the rest of the night walking about the countryside, tore up and threw away his old coat, fell several times in the fields, and got his feet and legs wet in divers ditches. His shoes had not

iron heels. He had no quarrel with his sister-in-law apart from their dispute about her box, and none with Madelina, "who was a very quiet, inoffensive girl." All which he declared to be truth.

Two witnesses only were examined for the defence. William Morris, shoemaker, Edinburgh, said that the iron heels of the shoes produced were very common and the shoes themselves were of a common size. John Brown, farmer, Belford, said he had known the prisoner for eight years; he considered him an honest, industrious man, of good character. He was very subject to bleeding at the nose.

The Lord Advocate then addressed the jury for the Crown. He seems to have pressed his case in a way unusual in a public prosecutor, for we read that he "insisted in the most forcible manner on a verdict of guilty." The first question was, when were these murders committed? If not during the Sunday night, then the pannel had nothing to do with them. After reviewing the evidence upon this point his Lordship held that there could be no doubt about it.

My impression is that whoever murdered them entered by the window, and whatever passed between him and the woman, she certainly seems to have flown from the house for assistance, and at the garden gate she was overtaken and inhumanly butchered at the door where the blood was found sprinkled and soaked in the sand beneath; and that he threw the body into the pigstye with the hope that the pig, by devouring the body, would remove some of the marks he had left upon it. He then entered the house, knowing he had left a living witness behind and that he could not be secure if she was not put out of the way. After she was dispatched, the drawers were rummaged to give the appearance of thieves having entered the house, but there is the extraordinary fact that these murders were not committed so much for the sake of gain as for revenge, as there were numerous articles of value left behind.

They found the pannel attempting to murder his own wife in the backyard that Sunday afternoon, and wandering from his house in the evening towards the abode of those

unhappy victims, whom he blamed for troubling his domestic peace. Look at the various and contradictory accounts he gave of how he spent the night: at one time at the sea-coast, at another in a totally opposite direction; now walking about his garden under fear of arrest, now sleeping for hours in the pigstye. He chose to take, when thus leaving home for ever, an old coat he had intended to cut up into strips for nailing trees;

but, gentlemen, he took it for a very different purpose—he took the old coat to commit the murder in; and it is a strange fact that, so completely has he disposed of that coat, no clue whatever can be found to lead to it. Could we find it, much would be decided; if he was innocent it would be unstained with blood, but my impression is that it was completely deluged in it.

The blue coat he wore on the Sunday and Monday was without stain. His Lordship then dealt with his strongest point; the shoes. They were found wet, with the stockings in them, beneath the pannel's bed; they corresponded exactly with the footmarks in the fatal room. There was chaff on the floor of the east room; there was chaff also still on the bend of the soles of those shoes. Look at his conduct when he was told of the murders: "did he, like a generous relative, fly to the scene of butchery with a desire to unravel the foul crime? No; he went, indeed, but in avaricious haste to collect the remaining property of his victims, and his only wish was to have them hidden in the earth as soon as possible." Having examined the proof of bloodstains and of the washing of the pannel's clothing, his Lordship traced him by map and witnesses at half-past five in the morning to within some two miles of the scene of the crime; and the pannel was utterly unable to account for where he had been that night. After reviewing the evidence of the two fellow-prisoners, his Lordship said that if that were believed it would be idle to say the pannel was not guilty, and accordingly he felt himself entitled to demand a verdict.

Duncan M'Neill, for the defence, reminded the jury that the law presumed the prisoner innocent till he was proved guilty. The Crown had failed to show the motive which actuated this murderer, whoever he was; revenge it could not be, as many valuable articles were taken from the house, none of which had been traced to the prisoner. His rambling about all night after the quarrel with his wife was well established. If he repented of his treatment of her, and went home again with feelings of contrition, was a repentance that would entitle him to mercy in another world to deprive him of all credit in this? No weight attached to the story of the shoes; scores of shoes of similar make and size were sold in North Berwick. There was no proof as to what shoes the prisoner wore that night, and he was entitled to the benefit of the doubt. A great deal of blood was said to have been spilt, "but was it to be credited that an individual of diminutive stature like the prisoner could take a bleeding body, with the skull shattered to atoms, in his arms and throw it over a paling three feet high into a pigstye, without his breast and trowsers being drenched with blood?" This of itself was conclusive against the hypothesis of the Lord Advocate that the prisoner committed the murders. There was no doubt that the instrument employed was of a very heavy kind—that was proved by the surgeons; but no such instrument had been found, and none was traced to the prisoner. The knife produced was not the one specified in the libel, and his learned friend had felt he could make nothing of it. As to the evidence of what passed in the prison of Edinburgh, the testimony of such men should be viewed with the utmost jealousy. "The learned counsel concluded a most eloquent and ingenious address by calling on the jury for an acquittal."

The Lord Justice-Clerk then charged the jury. His Lordship's observations, which occupied four hours, fortunately for us are not preserved. On their conclusion the jury retired, and after an absence of twenty-five

minutes returned with a unanimous verdict of guilty. " As soon as it was announced, there was a yell of exultation from those in the gallery. The audience in the other parts of the court did not join in that fiendish applause." The Lord Justice-Clerk pronounced sentence of death in the usual form, which at that time included the public dissection of the deceased convict by the Professor of Anatomy, and the Court rose.

On the morning of Wednesday 17th March Emond paid the penalty of his crimes on the gibbet at the head of Libberton's Wynd, as may be read at painful length in the local press.[1] Like all criminals of exceptional ferocity he made an edifying end, and enjoyed during his period of probation the flattering attentions of many ministers ; but it is satisfactory to know that his broken slumbers were haunted by the phantoms of his bleeding victims.

It is curious that a crime which had nothing to commend it but its brutality should have so intrigued the Edinburgh of the day. In addition to copious reports in the newspapers, I have seen no fewer than seven broadsides relating to the case, issued for sale by the street criers. Of these the most considerable is a large sheet, containing five columns of print, embellished with rough woodcuts of the scene of the crime and " a correct portrait " of the murderer, entitled :

THE HADDINGTON MURDERS! The Life, History, and Transactions of Robert Emonds [*sic*], *with his Confession of the manner in which he committed the Murders ; also the Life and History of his wife, and Mrs. Franks and her daughter ; together with the full particulars of Emond's Behaviour and Conversation in the Jail up to this day, Monday 15th February.*

" Price Two Pence," and wonderful value for the money. One turns naturally to the " Confession." Stricken with

[1] *Courant*, 18th March 1830.

remorse for his ill-usage of his wife, he determined to be revenged on her whom he deemed the disturber of his home. Having fastened his bedroom door to make his family believe him in bed, he let himself down by the window and set out for the Abbey "with a predetermined purpose to murder Mrs. Franks." When he reached the cottage he knocked, and was admitted by his sister-in-law. They talked for a time until she was off her guard, and he struck her down with a bludgeon; but rallying from the blow she fled from the house for help. Before she reached the garden door the murderer overtook her, grappled with her, cut her throat with his penknife, and threw her into the pigstye. He next bethought him that Madelina still survived to testify against him, so, having dispatched the mother, he returned to the house and with his bludgeon beat in the brains of the daughter.

He had no sooner done so, however, than he was struck with remorse, and in order to conceal from his view the shattered head of his innocent victim, he covered it up hastily with the carpet. And having thus murdered Madelina he took a tableknife, dabbled it in her blood, stuck on it some gray hairs torn from the head of Mrs. Franks (in order to create a belief that the murders had been perpetrated by this instrument), and threw it carelessly from him.

Whether or not the "Confession" be genuine it makes no mention of the robbery nor of the broken window, neither does it explain how a "bludgeon" could produce the incised wounds, as described by the surgeons. Another broadside "Confession" contains the simpler statement, "I am the man who committed the murders for which I am so justly condemned."[1] Emond found time, during the intervals of his devotional exercises, to write an autobiography, which was published, price one penny, on 18th March, too late to benefit the author, who was then in Surgeons' Hall.[2] From this it appears that he was a

[1] *An account of the confession made yesterday morning by Robert Emond, the Murderer, on his arrival in Jail from his Trial. Edinburgh, 10th February* 1830.

[2] *Full, True, and Particular Account of the Life of Robert Emond the Murderer, written by himself, and also of the Meeting between the Murderer and his Wife, in his*

native of Selkirk, served for some years in the army, travelled the Borders as a hawker, and married in 1827. On the occasion of Mrs. Franks' last visit, when the question of her boxes became acute, exasperated by the united upbraidings of the sisters, " he formed the resolution of attempting the destruction of them both after they had retired to rest." In furtherance of this amiable design he took a quantity of sulphur, a bundle of rags, and a light, intending " to suffocate them to death like a hive of bees " ; but his conscience reproving him, he abandoned the scheme in favour of a more practical project.

Despite the exemplary piety of his demeanour after conviction, as unctuously chronicled by the journals, it appears that the old Adam was not wholly eradicated in the penitent, for we read in an account of his last hours—

> Some time after, Governor Rose said to him, " Do you know who was with your wife to-day ? " To which he replied, " No I did not see." " Well, it was Mrs. Cron." At the mention of this woman's name, he started up and exclaimed, " I have that woman to blame for my present situation." Then clenching his fists and appearing exceedingly animated he added, " I would to God that infernal woman had been in the place of the girl (meaning Madelina Franks). Captain Rose, were I as free as ever, I would be hanged this night if I had her here and had my revenge ! "

Captain Rose was the governor of the prison ; Mrs. Cron, as the reader may remember, was the busybody who incited the schoolmaster to enter Emond's room, and so destroyed his alibi.

As in the classic instance of Burke and Hare, the ballad-mongers were instigated by the atrocity of the case to perpetrate in rhyme fresh outrages of their own : *The Haddington Murders, A New Song*, published on 18th February, and consisting of seven stanzas

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cell, on Friday last, and of the desire which he expressed, even then, to murder Mrs. Cron, who had given evidence against him ; and also his Plan for Murdering both his Wife and Mrs. Franks, by Suffocating them with Brimstone.

as shocking as the crimes they sought to commemorate, beginning—

> Come all you worthy people, give ear unto my tale,
> And when I do relate the same it makes me to bewail ;
> Now Robert Emond is my name I cannot well deny,
> And for that cruel murder, now for it I must die ;

and *Emond, the Haddington Murderer*, published on 22nd February, in six stanzas, beginning—

> Oh heard ye that shriek,
> From yon dark cell of sorrow ?
> 'Tis Emond the murderer
> Who dies on the morrow.
> He dreams of the dead,
> Who rise gory before him ;
> And tortures his soul
> As in wrath they bend o'er him.

These samples will probably be deemed sufficient ; I mercifully refrain from further quotation. The other broadsides to which I have referred include *A full and particular account of the Trial and Sentence*, etc., and *An Account of the Execution*, etc.

For the professional reader the case presents certain interesting points of law, noted by Bell in his annotations on Hume.[1] These relate to the admission of evidence (1) of the behaviour, manner, expressions, and even looks of the pannel,[2] (2) of his fellow-prisoners as to statements made by him to them,[3] (3) of a copy of a map prepared by a witness for another purpose,[4] (4) of statements made by the pannel as to his quarrel with his sister-in-law,[5] and (5) of the import of threats uttered by him against the deceased, as reported by her to a witness.[6]

One conceives how De Quincey would have taken this ugly and disgustful crime and made of it a thing bizarre

[1] *A Supplement to Hume's Commentaries on the Law of Scotland respecting Crimes.* Edinburgh : 1844.

[2] *Ibid.*, p. 243. [3] *Ibid.*, p. 247. [4] *Ibid.*, p. 280.

[5] *Ibid.*, p. 289. [6] *Ibid.*, p. 293.

and memorable. We should have seen the mean figure of the murderer stealing, like Jonas Chuzzlewit, from the silent room where he was supposed to lie abed, through the midnight dark, along the vacant roads of the sleeping countryside, towards his infernal goal; his black heart hot with hatred, the weapon hid beneath his coat. We should have seen him entering the cottage by the window and appearing suddenly, a dreadful image of death, at the bedside of his hapless kinswomen. The widow, reading in his face his fiendish errand, flees from the room and from the house, swiftly and without a cry—no call for aid reaches the friendly neighbours; pursued and overtaken at the garden gate, she is struck down and slaughtered, and her bleeding body is cast into the pigstye, to be devoured, it may be, by the hungry occupant. (How Toad-in-the-hole would have appreciated that touch!) Then back to the house in the fulfilment of his hellish programme hurries the murderer. None but De Quincey could describe the scene that follows in that chamber of horror. The panic-stricken girl has begun tremblingly to dress herself, her stocking is half pulled on, when the murderer reappears in the doorway with his dripping weapon. . . . Even he was fain to cover from his sight the hideous fact, and his rest—what remained of it—was broken by that fearful vision. The drawers ransacked to create an illusion of robbery, the murderer goes home. By the way, he disposes of his bloodstained coat and weapon, washes in some stream his gory garments and his tell-tale shoes—" a little water clears us of this deed "—and in the grey of the morning gains his abode and safety. All through the night his thoughts have been busy about that closed and barricaded door, upon the sanctity of which his life depends. But the secret of the empty room has been violated; and he knows that henceforth, however he may twist and turn, there is nothing before him but the gibbet.

AN ACADEMIC DISCUSSION:

A MACABRE CONCEIT

AN ACADEMIC DISCUSSION:

A Macabre Conceit

A SPECIAL meeting of the Society of Scottish Criminals —an Association not to be confounded with the respectable legal body bearing the same initials—was held within the Calton Jail, Edinburgh, on 31st September 1924, Deacon Brodie, President of the Society, in the chair. There was a full attendance of members. The Secretary (Major Weir, G.O.M.) having read the minutes of the last meeting, censuring as crude and inartistic the technique of certain crimes lately perpetrated in England,—

The President expressed his pleasure at seeing so good a house on an occasion which they must all feel to be one of national importance. *Nemo me impune lacessit* was the motto of their indomitable race; Scots folk were proverbially touchy, and when the supremacy of members in matters criminal was threatened, he knew he could rely on their whole-hearted support in order to uphold their criminous prestige. The Scots lawyer was justly jealous for the pre-eminence of his system of jurisprudence, the Scots surgeon was equally so in respect to his school of surgery, the Scots minister, be his denomination what it might, was persuaded that his particular path was the narrow and the only way. And if they found among the followers of these learned professions so strong an expression of what he might call clan feeling, were they, members of that numerous and gifted class whose young filled our reformatories, whose seniors occupied our prisons, whose illustrious forebears, according to the practice of the age which they respectively adorned, were " wirreit " at the

stake and "brint in assis," succumbed to the embraces of the boots, the caspieclaws, and the pilniewinks, lost their heads beneath the irresistible pressure of the Maiden, were cast off the ladder in the Grassmarket, or made a more genteel retiral on the new movable platform or drop of which it was his proud boast to be at once the inventor, the architect, and the victim—(Applause)—were they, he would repeat, successors to such glorious traditions and enjoying, albeit undeservedly, so splendid an heritage—were they, he would again remark, tamely to submit to the domination of transatlantic miscreants, however distinguished in the exercise of their nefarious cult? Perish the thought! The Society had received a copy of a work which, he believed, had met with much acceptance beyond what was colloquially termed the Herring Pond. It was an American book, by an American writer, treating exclusively of American crime—need he say that he referred to *Studies in Murder*, by Mr. Edmund Lester Pearson?—and as such had been presented to them for their edification and example. Now, certainly the cases with which it dealt were very singular and striking, but he had yet to learn that they surpassed or even equalled in merit any of our Scottish *causes célèbres*. He himself was merely a housebreaker—it might be one not unfamous in that lower walk—and it was to him a matter of regret that he could lay no claim to reflect that sanguinary beam which cast its ruddy glow upon the reputations of so many of the gifted company whom he had then the happiness to address. But speaking as a master-burglar, admittedly at the head of his calling——

Mr. James Mackcoull *alias* Captain Moffat, said he yielded to no man in loyalty to their respected President, who might be a competent chairman and was reputed a capable cabinetmaker, but whose pretensions to be considered an eminent housebreaker were simply preposterous. He was rather to be deemed a bungler than a burglar—they all knew what a hash he had made of the

Excise Office job; and his absurd enthusiasm for one Captain Macheath—an Englishman, despite his name, and as he (Mr. Mackcoull) was credibly informed, not even a real robber but a person in a play—was unpatriotic and unbecoming a member of their Society. If they wanted the genuine article let them remember the affair of the Paisley Union Bank and the Begbie business, matters to which modesty forbade that he should do more than allude.

Mr. David Haggart said that as their youngest member he was naturally diffident in voicing his views, but he desired to associate himself with the observations which had fallen from the hon. and gallant member. Like Captain Moffat he had had the honour to combine housebreaking with homicide, and he thought that their amiable President was inclined to attach undue importance to his own purely burglarious performances—whether efficiently executed or not was beside the question. Still, it must always be borne in mind that Mr. Brodie had other and greater claims to the consideration and esteem of the Society: he had been for many years a member of Edinburgh Town Council. (Loud applause.)

The President, after repeatedly bowing his acknowledgments, remarked that Mr. Mackcoull's title to be regarded as the originator of the Begbie Mystery was by no means generally admitted. De Quincey, in his celebrated essay, *On Murder, considered as one of the Fine Arts*, states that the murderer is to this hour undiscovered——

Mr. Mackcoull protested against the citation of an alien authority. He had not read the essay referred to, but he understood that the author unblushingly owned that he never committed a murder in his life, and it further appeared that the whole paper, while professing to be a panegyric on murder, was in fact poking fun at murderers and holding up their craft to ridicule and contempt. Such a production should be burnt by the public hangman, and ought not to be mentioned in polite society like the present.

Mrs. Jessie M'Lachlan rose to a point of order. Their

business, as she conceived, was to discuss whether certain American crimes were superior to the natural and kindly products of their native land. Her position was somewhat peculiar. She was only an honorary member, for though she had been convicted of murder, the credit of the deed actually belonged to their venerable friend Mr. James Fleming, the oldest member of the Society. ("Hear, hear.") Mr. Fleming, by reason of his advanced years and retiring disposition, was unable to be with them that night, but she was empowered to intimate his entire concurrence in the views she was about to express. She had been called, quite erroneously, "the Heroine of the Cleaver," and the fact that Mr. Pearson's most intriguing crimes were effected with a hatchet, or other heavy instrument having a cutting edge, had for her a sentimental interest. It might be natural or it might not—(Cries of "Yes" and "No")—but there it was, and she acknowledged a preference for those cases in which an axe or some similar implement was employed. Mr. Pearson's leading instance —that of Miss Lizzie A. Borden, indicted for a double parricide—was in its circumstances so remarkable as to establish a record. "It concerns," proceeded Mrs. M'Lachlan, "a middle-class New England home in 1892, consisting of a wealthy old gentleman named Andrew J. Borden; his second wife; Miss Lizzie, his daughter by the first marriage; and an Irish servant. The old man goes out on his affairs one morning about nine o'clock; his wife, after dusting the dining-room, goes up to the spare room to make the bed; Lizzie is about the house as usual; the servant is washing the downstairs windows, and later goes up to her room on the third floor for a rest. About eleven o'clock the father returns and is admitted by the maid, *who hears, as she opens the door to him, Miss Lizzie, on the upper landing, laugh.* He asks for his wife, and his daughter replies that she has gone out in response to a sick call. The old man then lies down for a nap on the sitting-room sofa; twenty minutes later the daughter calls to

THE BORDEN MURDER TRIAL.

A SCENE IN THE COURT-ROOM BEFORE THE ACQUITTAL: LIZZIE BORDEN THE ACCUSED AND HER COUNSEL, EX-GOVERNOR ROBINSON.
DRAWN ON THE SPOT BY H. WEST CLINEDINST.—[SEE PAGE 417.]

Miss Lizzie Borden on Trial for Murder

(*From* "Leslie's Weekly," 29*th June* 1893.)

the servant that her father is dead. He lies on the sofa with his head horribly hacked by an axe. Doctors and neighbours arrive, full of pity for the bereaved daughter's plight. Where is the stepmother? She is found upstairs in the spare room, stretched upon the floor beside the bed, her head cruelly cut to pieces by an axe. Where had Miss Lizzie been while this dreadful massacre was in progress in that quiet house that sunny August morning? She was ironing handkerchiefs in the dining-room, and afterwards out in the barn, looking for lead to make sinkers for a fishing-line. Now, I entreat the attention of members to the amazing fact that it was proved by the doctors, from the condition of the bodies, that *the stepmother had been slain an hour and a half before the father*, so that the murderer, if he came from outside, must have had a discomfortable wait between the acts, besides exposing himself to the notice of Miss Lizzie and the maid. It is plain that the assassin, unless some sort of screen were used, must have been more or less splashed with blood. Miss Lizzie, who to the indignation of the great American public fell under suspicion of the local authorities, was free from bloodstains; but she was proved to have burnt a dress which she said was stained with paint. There was a choice of axes in the cellar, none of which was bloodstained, though the handle of one of them was freshly broken and the head, which fitted the wounds, covered with ashes. The family life had been unhappy; the daughter barely spoke to Mrs. Borden, whom she refused to address as mother; she took her meals apart from her parents, and constantly quarrelled with them about money matters. The old folk were ill that week with symptoms of irritant poisoning, and Miss Lizzie was shown to have tried to buy prussic acid the very day before the crime. But this evidence, by the mysterious operation of American law, was held to be inadmissible. Miss Lizzie duly 'tholed her assize' and was acquitted, to the gratification of the godly of Fall River, Massachusetts. She had been a not-

able church worker, enjoyed a high repute for piety, and was escorted throughout the proceedings of which she was the subject by a brace of pastors as a ghostly body-guard. She succeeded to the family fortune. No suspicion attached to anyone else, and the murders remain a mystery. The genius of Miss Lizzie Borden inspired a contemporary poet to enshrine in delicately wrought verse the brilliant gem of her creation—a poem so charming and so brief that I am unable to forgo the pleasure of reciting it in full :

> Lizzie Borden took an axe
> And gave her Mother forty whacks ;
> When she saw what she had done,—
> She gave her Father forty-one ! "

(Applause.) Such, continued Mrs. M'Lachlan, was a bald outline of this beautiful and attaching case. There were in Mr. Pearson's volume other crimes also deserving the attention of the Society, as the Nathan murder, and the tragedy of the *Herbert Fuller*—a breezy tale of butchery on the high seas, but an examination of these, though alluring, would take her too far. She would therefore confine her remarks to certain features of the Borden case which, in her judgment, rendered it as a work of art not inferior to any product of our home industries, with the possible exception of the Sandyford Mystery, upon which for obvious reasons it would be improper in her to dwell. For anything comparable to this great work they must go back to Elizabethan drama. That wonderful laugh, heard by the maid as she opened the door to the new victim—a touch worthy of Webster, with whose masterpiece in murder, *The Duchess of Malfy*, they as students of such literature were well acquainted—was only to be equalled in terrific effect by the kindred line in that great tragedy :

> The Lord Ferdinand laughs—

Mr. William Hare of Messrs. Burke and Hare, West Port, purveyors by special appointment to Surgeons' Hall,

said he was loth to interrupt a lady, but this was no laughing matter. In the absence of his senior partner, unavoidably detained in the Anatomical Museum, it fell to him to vindicate the fair fame of the capital of Scotland. What was this Yankee spinster and her paltry tale of victims compared with the sixteen items standing at the credit of the firm of which he had the honour to be a humble member? Mary Paterson and Daft Jamie could give old Mr. and Mrs. Borden a stroke a hole; in the words of the poet they were "familiar in our mouths as household words," and who in that room had ever heard before of Lizzie Borden and her parents? Had not his lamented friend and partner, Mr. Burke, in addition to his other services to humanity, enriched the language with a new verb, no less picturesque and handy than expressive of the accepted greatness of his genius?

Mrs. Christina Gilmour and Mr. Oscar Slater, rising simultaneously, claimed the ear of the meeting. They had both had urgent occasion to leave Scotland for America—there was no suggestion of the slightest impropriety, for they travelled by separate routes and in different centuries—and they submitted that their joint experience of that deep-breathing, free-living country, which from the immunity it extended to perpetrators of the foulest and most atrocious crimes might be named a rogues' Paradise or malefactors' Mecca, affording a much needed model to less enlightened lands—(Interruption, and a voice, "Chew coke!")

The President said he would not sit there to lie down under such gross and unfounded aspersions upon their common country. The hon. members must be extruded.

(This was forthwith effected, Mrs. Gilmour shedding tears, and Mr. Slater using language which, owing to his imperfect English, was fortunately unintelligible to the reporters. Order being restored,)—

Miss Madeleine Hamilton Smith, who was received with loud and prolonged cheering which she gracefully

acknowledged, said that she was deeply touched by so flattering a reception. Her position was even more irregular than that of Mrs. M'Lachlan. They had each, she believed, in their several ways conferred some little distinction upon their native city; but whereas Mrs. M'Lachlan was at least convicted, she herself, alas, had suffered that ambiguous finding "Not Proven," and consequently, by the rules of the Society, was ineligible for membership. Still, as heading their supernumerary list, she felt herself entitled to address the meeting. She might say at once that she did not share that lady's admiration for their American colleague, with whom Mrs. M'Lachlan's sympathies were, in the circumstances naturally enough, engaged. Both were exponents of what might be termed the slaughterhouse or poleaxe school. For herself, she had always preferred the rapier to the bludgeon. Not that she was to be taken as an advocate of cold steel, for indeed she was wholly averse from the employment of any lethal weapon whatsoever. She had no use for hatchets, daggers, knives, pistols, and such clumsy things, which were uncertain in their action, caused unnecessary inconvenience, and made a disagreeable mess. These were methods of barbarism, unworthy of a civilised and cultured community. (Cries of "Withdraw" and uproar.) Well, well, it was purely a matter of taste and personal feeling: she would withdraw the phrase to which hon. members excepted. (Applause.) But take her own case. Assume that she had in fact designed the elimination of the late M. L'Angelier; what would have been her situation that day had she lured him into the parental parlour, and disposed of him with the family poker upon the domestic hearth? Her brown silk gown would have been ruined, her papa's carpet stained, her mamma's antimacassars spoilt, and she herself would have had considerable difficulty in satisfying a jury that it was a case of suicide. No; there was but one method by which objectionable persons could be safely, surely, and swiftly

removed, and that was by poison. It was easy to acquire, cleanly to employ, simple to administer—a child might use it—and it operated outwith the presence of the exhibitor, always an advantage to susceptible and nervous artists. True, it had one drawback: it was open to detection on chemical analysis; but that was a trifle in comparison with the risks which recourse to physical violence inevitably involved. The only point in the Borden case which at all appealed to her was Miss Lizzie's unsuccessful attempt to procure prussic acid, which, she was free to confess, did touch a sympathetic chord, and went some way to redeem an otherwise vulgar and second-rate performance. (Cheers, hisses, and a voice, "Keep your tail up.")

Dr. Pritchard, M.A., M.B., M.C., M.D., etcetera, etcetera, said he was sure they were all most grateful to Miss Smith for her highly instructive remarks, with which so far as her toxicological views were concerned he for one was in complete accord. He had considerable experience in various branches of their great profession, including such trifling affairs as forgery and fire-raising, and he was prepared to maintain that poison, wisely chosen and administered with tact, preferably by an affectionate relative or trusted physician—it had been his good fortune to act in both capacities—was the least exceptionable mode of effacing superfluous persons. It was in fact the only gentlemanlike, and he would add ladylike, resource. (Here the Doctor bowed to Miss Smith, who smilingly deprecated the compliment.) The hour was late, and he would not detain them longer; but he could assure Miss Smith that she need be under no apprehension as to her status in that assembly. It was no fault of hers that she failed to secure that conviction—and here he was sure he spoke for all his fellow-members—which in the considered judgment of the Society she had so richly deserved. (Repeated and prolonged applause.)

The Rev. John Kello, minister of Spott, said that as

an apostle of peace he was officially opposed to deeds of violence. His own homely recipe—the strangling of his wife with a towel while engaged in prayer, and thereafter preaching to his flock an eloquent sermon—had been commended as humane, ingenious, and original. It was not, however, adapted for general use: his case was rare. In his younger days the gentle art of poisoning was yet in its infancy. It was chiefly practised by incompetent and obscure hags, to whom the ignorance of the time ascribed diabolic powers. He regretted that, sharing as he then did the popular delusion, he had burnt more witches than any man in Scotland, always excepting his late Majesty King James the Sixth, of pious memory. These youthful indiscretions, which in the light of later scientific knowledge, he could not sufficiently deplore, received some countenance from the experiences of his American confrère, the pastor of Salem, New England, who in the year 1690——

At this stage it was discovered that the Secretary (Major Weir, G.O.M.), whose necromantic instincts were excited by the reverend gentleman's remarks, was about to raise the Devil; whereupon the reporters hurriedly left the hall, and we have no means of knowing what, if any, decision was arrived at touching the question in debate.

THE LUCK OF ADELAIDE BARTLETT:

A FIRESIDE TALE

THE LUCK OF ADELAIDE BARTLETT:

A Fireside Tale

> "Most marriages turn out unhappy," said Lothair. . . "Among the lower orders, if we may judge from the newspapers, they are always killing their wives, and in our class we get rid of them in a more polished way, or they get rid of us."
>
> Benjamin Disraeli: *Lothair.*

THERE are three "lost ladies of old years," heroines of English *causes célèbres*, each of whom, though popularly supposed to have poisoned her husband, for divers reasons—not necessarily inferring innocence—escaped payment of the last dread penalty of the law: Mrs. Bravo (1876), Mrs. Bartlett (1886), and Mrs. Maybrick (1889).

Of these ambiguous and attaching dames the first was never charged with the crime, because, while a coroner's jury found that Charles Bravo was wilfully murdered by somebody, the evidence, in the judgment of the Crown authorities, did not warrant putting any particular person in the dock. Had the case gone to trial it would have been one of exceptional interest and importance, as none who has had the pleasure to read a late admirable account of it can doubt.[1] Beautiful Florence Bravo, her enigmatic companion Mrs. Cox, and her venerable medical "friend" Dr. Gully, form as strange a trio as is to be found in fiction, and the plot of which they are the exponents could give that of the average novelist a stroke a hole.

Florence Elizabeth Maybrick, convicted of murder and sentenced to death, was reprieved by the Home Secretary

[1] *The Bravo Mystery and Other Cases.* By Sir John Hall, Bart. London: 1923.

on the amazing ground that though the evidence led clearly to the conclusion that she had attempted to poison her husband, "yet it does not wholly exclude a reasonable doubt whether his death was in fact caused by the administration of arsenic"—an illogical and unjust decision which cost its hapless subject fifteen years of her life.[1] Lord Russell of Killowen, who as Sir Charles Russell conducted her defence and consequently knew more about the case than anyone, repeatedly expressed his strong and emphatic opinion that Florence Maybrick ought never to have been convicted, and so long as he lived spared no efforts to effect her liberation. But the red tape of which the convict's bonds were composed proved too strong for him to break in sunder. The Maybrick case has been often and adequately treated of, and as one of the most unsatisfactory convictions on record is well deserving of study.[2]

The other case to which I have referred, known in its day as "The Pimlico Mystery," that of Adelaide Bartlett, tried for and acquitted of the murder of her husband, is on several accounts notable and instructive. It is the first case of poisoning by liquid chloroform—indeed, so far as I am aware, it remains a unique example of the alleged criminal employment of that drug. The relations of the husband and wife *inter se*, as well as with respect to the reverend stranger within their gates, are also unprecedented. The Bravo and Maybrick cases present no such "puzzling questions" as those with which that of Mrs. Bartlett bristles. Had a fictionist introduced these features in a story we should have deemed them flagrantly unreal; as the facts are indubitable we can but accept

[1] *Mrs. Maybrick's Own Story: My Fifteen Lost Years.* By Florence Elizabeth Maybrick. New York: 1905.

[2] *The Maybrick Case.* By A. W. Macdougall. London: 1891; *The Necessity for Criminal Appeal, as illustrated by the Maybrick Case.* By J. H. Levy. London: 1899; *The Trial of Mrs. Maybrick.* By H. B. Irving. Edinburgh: 1912. These contain reports of the trial, that by Mr. Levy being the most complete and accurate.

the dictum of that profound philosopher, Mr. Squeers, "She's a rum 'un, is Natur!"

As regards the deaths which formed the subject of these inquiries, the question in the Maybrick case was, "Did James Maybrick die of arsenic administered by his wife?" In the Bravo and Bartlett cases the cause of death was beyond dispute, the sole question being, "By whom were the antimony and chloroform respectively administered?"

We, too, in Scotland have had our baffling and inconclusive cases, three of which have been examined with judicial impartiality and acumen by the late Lord Moncreiff: Dr. William Smith (1854), Madeleine Smith (1857), and Alfred John Monson (1893).[1] These instances are selected by the learned author as typical of the working of our national nostrum, "Not Proven," as applied to nice and perplexing cases: a verdict which has been construed by the profane to mean "Not Guilty, but don't do it again." His lordship remarks on the significant fact that none of the jurymen in any of these trials was prepared to find the prisoner "Not Guilty." Though Lord Moncreiff holds that the third form of verdict is both theoretically and historically indefensible, it is one to which for some two hundred years our jurymen have resorted, certainly, so far as my research extends, not to the prejudice of the guiltless; and I venture, with due respect, to think that there are instances where the prosecution fails to bring home guilt to the accused, and the defence is equally unable to establish his innocence, in which such a finding meets the case. Whether the jury in the trial we are about to consider would, had the venue been Scotland, have availed themselves of what Sir Walter Scott calls "that Caledonian *medium quid*," is, looking to the rider they attached to their verdict, not beyond all conjecture.

Material for essaying the solution of this forensic riddle

[1] "The Verdict 'Not Proven,'" *Rufus Hickman and Other Stories and Sketches.* By The Lord Moncreiff of Tulliebole. Second Edition. Edinburgh: 1907. The article is not included in the first edition.

is to be found in the excellent report of the proceedings prepared by junior counsel for the defence, and published with the imprimatur of Sir Edward Clarke, to whose ability and zeal the prisoner owed her acquittal.[1] "I have never known a case, or at all events not more than one," says Sir Edward in his preface, "which had in itself so strong a dramatic interest." He was himself in later years to tell the story in popular form,[2] but there is room for a more particular account of the affair than the learned counsel for the defence had then occasion to give.

Adelaide Blanche de la Trèmouille was born at Orleans in December 1855. She was, Sir Edward informs us, the unacknowledged daughter of an Englishman of good social position, but we hear nothing more about her till in 1875 she met her prospective husband, Thomas Edwin Bartlett. Born in October 1845, Mr. Bartlett was a grocer and provision dealer in a large way of business, having no less than six shops in the neighbourhood of Brixton and Dulwich. According to Sir Edward, she saw him only once before the wedding, which took place at the parish church of Croydon on 9th April 1875. The marriage, says the same authority, was arranged by the girl's father. "No money was settled upon her; but a considerable sum was paid to the husband, and was judiciously employed by him in extending his business." Of these facts there is no mention in the evidence given at the trial; all we know is that the girl was staying with one Charles Bartlett at Kingston when his brother Edwin made her acquaintance. After the ceremony the bride, quaintly enough, was sent to school at Stoke Newington, and later to a convent

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[1] *The Trial of Adelaide Bartlett for Murder. Held at the Central Criminal Court from Monday, April* 12, *to Saturday, April* 17, 1886. *Complete and Revised Report. Edited by Edward Beal, B.A. Cantab. Of the Middle Temple, Barrister-at-Law. With a Preface by Edward Clarke, Q.C., M.P.* London: Stevens and Haynes, Law Publishers, Bell Yard, Temple Bar. 1886.

[2] "Leaves from a Lawyer's Case-Book: The Pimlico Mystery." *Cornhill Magazine*, December, 1920.

in Belgium, spending the vacations with her husband in London. In 1877, her education completed, she took up house with him at Station Road, Herne Hill, where they lived till 1883. Mr. Bartlett *père*, having become a widower, was offered a home by his son; he went to live with the young couple and continued to do so for six years. In 1878 the domestic atmosphere was clouded by an occurrence which caused considerable unpleasantness: the father made certain charges against the wife as to her relations with her brother-in-law, and was forced to withdraw and apologise in writing for the statement. The incident, as we shall find, was neither forgotten nor forgiven by the lady. In 1881 Mrs. Bartlett gave birth to a still-born child, and so severe were her sufferings that she expressed the resolve never again to endure the curse of Eve.

In 1883 the pair removed to "The Cottage," Merton Abbey, near Wimbledon. Mr. Bartlett was a Wesleyan, and they attended the local chapel of which, early in 1885, the Reverend George Dyson was appointed pastor. A graduate of Trinity College, Dublin, twenty-seven years of age, born of a respectable family—his father was a Wesleyan minister at Poole—Mr. Dyson was a popular and attractive divine, whom Jane Austen would have described as "gentlemanlike." In the course of his pastoral charge he duly called at "The Cottage" and made the acquaintance of the two members of his flock dwelling therein, with whom an intimacy—of which there will be much to say—thus begun, flourished in that suburban soil with tropical luxuriance. That the handsome young pastor should find favour in the lady's sight is less surprising than his equally ready conquest of her husband's heart. They soon became to one another "George," "Edwin," and "Adelaide"; and it is in evidence that at Claverton Street, to which the Bartletts afterwards removed, "George" used to call several times a week, often arriving so early as 9 A.M. and sometimes spending the entire day alone with "Adelaide,"

when "Edwin" had gone to business. So assured was his position as the friend of the house that for his greater ease an old "Georgian" coat and slippers were kept in the back room. The zeal thus manifested by the reverend visitor in the exercise of his clerical functions presented some unusual features. The maid spoke to such circumstances as the pinning together of the window curtains of the room in which the pastor and his fair disciple whiled away the hours until the return of "Edwin" to dinner; also to seeing them side by side upon a sofa, and once finding "Adelaide" sitting on the floor at "George's" feet, with her head reposing on his knee.[1] But these unreverend proceedings, regrettable as they are, pale into insignificance beside the astounding attitude adopted towards them by the legitimate lord of the lady's affections. In September 1885 the Bartletts went for a month to Dover, "Edwin" travelling daily to his business in town; and the indispensable "George" ran down as often as he could, his friend paying his railway fare. The first letters passing between them, written at this time, are at once so curious and important that they must be quoted in full:—

14 St. James Street, Dover, Monday. DEAR GEORGE,—Permit me to say I feel great pleasure in thus addressing you for the first time. To me it is a privilege to think that I am allowed to feel towards you as a brother, and I hope our friendship may ripen as time goes on, without anything to mar its future brightness. Would that I could find words to express my thankfulness to you for the very loving letter you sent Adelaide to-day. It would have done anybody good to see her overflowing with joy as she read it whilst walking along the street, and afterwards as she read it to me. I felt my heart going out to you. I long to tell you how proud I feel at the thought I should soon be able to clasp the hand of the man who from his heart could pen such noble thoughts. Who can help loving you? I felt that I must say two words: "Thank you," and my desire to do so is my excuse for troubling you with this. Looking towards the future with joyfulness, I am yours affectionately, EDWIN.[2]

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[1] Evidence of Alice Fulcher, *Trial*, p. 54.

[2] Evidence of the Rev. George Dyson, *Trial*, p. 65.

To this effusion Mr. Dyson replied as follows :—

18 Parkfields, Putney, September 23, 1885. My Dear Edwin,—Thank you very much for the brotherly letter you sent me yesterday. I am sure I respond from my heart to your wish that our friendship may ripen with the lapse of time, and I do so with confidence, for I feel that our friendship is founded on a firm abiding basis—trust and esteem. I have from a boy been ever longing for the confidence and trust of others. I have never been so perfectly happy as when in possession of this. It is in this respect, among many others, that you have shown yourself a true friend. You have thanked me, and now I thank you; yet I ought to confess that I read your warm and generous letter with a kind of half fear—a fear lest you should ever be disappointed in me and find me a far more prosy, matter-of-fact creature than you expect. Thank you, moreover, for the telegram; it was very considerate to send it. I am looking forward with much pleasure to next week. Thus far I have been able to stave off any work, and trust to be able to keep it clear. Dear old Dover! it will ever possess a pleasant memory for me in my mind and a warm place in my heart. With very kind regards, believe me yours affectionately, George.[1]

If Mr. Dyson was fond of trust and confidence, Mr. Bartlett might well have proclaimed with Mr. Bunthorne in another connection : " This is the shop for it ! "

The good young man's conscience seems to have become restive, for when Mr. Bartlett called upon him at Putney, to the spiritual cure of which he had now been promoted, for the purpose of informing him that he had made a new will, leaving everything unconditionally to his wife and appointing Dyson his executor, that gentleman was moved to make a personal explanation. " I told him that there was no denying the fact that I was growing very attached to her, and that I wished to let him know it; that it was disturbing me in my work; and I asked him whether it would not be better for me to discontinue my friendship with them, and he said, ' Why should you discontinue it ? ' "[2] Further, with regard to the future, Mr. Bartlett observed " that he hoped they should have some pleasant intercourse," and to facilitate this end presented him with

[1] Evidence of the Rev. George Dyson, *Trial*, p. 65. [2] *Ibid.*, p. 95.

a season ticket from Putney to Waterloo. Thenceforth, if we are to credit Mr. Dyson, he was formally installed as colleague and successor, with a reversionary interest in the lady. In pursuance of this amicable arrangement he was wont to kiss her openly in the husband's sight, to "walk out" with her at will, and even to entertain her at his bachelor quarters. Mr. Bartlett held, and had expressed to his reverend friend the remarkable opinion that a man should have two wives: one for intellectual companionship and one for purposes purely domestic, or, as he expressed it, "for use"; if Mr. Dyson's tale be true it would seem that "Edwin" was prepared to extend the privilege to women.

When they returned to town in October the Bartletts went to furnished apartments at No. 85 Claverton Street, Pimlico, where they occupied a sitting-room and bedroom, communicating with folding-doors, which was to be the scene of the ensuing tragedy.

That Mr. Bartlett was a strong, healthy man who had enjoyed exceptional immunity from illness is proved by the testimony of his father and his business partner, namely, that in thirteen years they had only known him to be ill once, when he had a bilious attack and was off work for a fortnight.[1] In November 1880 he was accepted by an insurance company as a first-class life.[2] In view of these facts it is surprising that Mrs. Bartlett should inform her spiritual adviser that her husband had suffered for six years from an internal complaint, for which she herself by his express wish nursed and doctored him, and that he was very sensitive about this affliction.[3] Later, she added that it caused him very great pain, and that to soothe him she had been accustomed to use chloroform. Further, that she had consulted one Dr. Nichols about the case, who had told her he (Bartlett) would die within twelve

[1] Evidence of Edwin Bartlett, sen., and Edwards Baxter, *Trial*, pp. 14, 38.

[2] Evidence of Dr. Clapton, *Trial*, p. 63.

[3] The post-mortem examination disclosed no sign of this mysterious malady.

months; also that Annie Walker, who had attended her in her confinement, used to see him occasionally and bring what medicines he needed. We shall afterwards hear what Dr. Nichols and Nurse Walker have to say to this.

On 10th December Dr. Alfred Leach, a neighbouring medical man who did not know the parties, was called in to see Mr. Bartlett. He found him suffering from indigestion and from the effects of mercury. The doctor thought he had been in the hands of some quack; the patient's explanation was that he had taken a pill of unknown strength and constituents. His mouth was in a very bad state and he received several visits from a dentist, who also thought that the condition of the gums indicated mercurial poisoning. Many teeth and stumps were removed, to the patient's great relief, but he continued to suffer from sleeplessness and depression. His wife was indefatigable in her attentions to the invalid and sat up with him every night. On Dr. Leach advising her to go to bed and get some rest, she replied, "What is the use, doctor? He will walk about the room like a ghost; he will not sleep unless I sit and hold his toe." When the Bartletts took the rooms they asked the landlady to have a second small bed put into the bedroom, and during the illness this was moved into the drawing-room for the invalid's use. Though Dr. Leach was satisfied with the progress of the case, Mrs. Bartlett suggested a consultation, giving the curiously prophetic reason that "Mr. Bartlett's friends would accuse her of poisoning him if he did not get better soon." So Dr. Dudley, a stranger to the Bartletts, was called in by Dr. Leach on 19th December. He found the patient depressed and complaining of want of sleep; his gums were spongy and inflamed, but otherwise there was nothing the matter with him. Dr. Dudley told him he was a sound man, and should get up and go out daily. On the 21st the dentist extracted more teeth and thought him better. On the 23rd Dr. Leach, having diagnosed him as suffering from worms, exhibited a formidable

list of purgatives, but these had no effect upon this extraordinary patient, who merely found croton oil "comforting to the stomach." In the end the treatment prevailed. His physical symptoms rapidly improved though his spirits remained low. On the 28th Dr. Leach, finding his health daily better, took him for a drive. No further prescriptions were deemed necessary; "he wanted dental care, but from a medical point of view he was out of hand."

Mr. Bartlett, senior, had called six times during the illness and saw his son thrice—on the other occasions Mrs. Bartlett said he was unable to see him. On the 28th he received from his daughter-in-law a letter as follows:—

Sunday night. DEAR MR. BARTLETT,—I hear you are a little disturbed because Edwin has been too ill to see you. I wish if possible to be friends with you, but you must place yourself on the same footing as other persons—that is to say you are welcome here when I invite you, and at no other time. You seem to forget that I have not been in bed for thirteen days, and consequently am too tired to speak to visitors. I am sorry to speak so plainly, but I wish you to understand that I have neither forgotten nor forgiven the past. Edwin will be pleased to see you on Monday evening any time after six.[1]

On Monday, the 28th, in pursuance of this invitation, the old gentleman visited his son, remaining with him over two hours. Both he and his wife said that he was better. He appeared to be much stronger, walked about the room, was in good spirits, and spoke of going the following week to Bournemouth for a change. At half-past eight the visitor said good-night: he never saw his son alive again.

The Rev. Mr. Dyson called regularly during the illness of his friend and saw him several times. He seemed depressed and complained of sleeplessness. At half-past nine on Sunday evening, the 27th, Mr. Dyson accompanied Mrs. Bartlett to the post. "She told me she wanted some chloroform, and that Annie Walker had brought chloroform to her before. She said she wanted it to soothe her husband

[1] Evidence of Edwin Bartlett, *Trial*, p. 16.

—to give him sleep, and asked me if I could get some for her. I told her I would, and I did." [1] In amplification of this evidence Mr. Dyson at the trial further stated that Mrs. Bartlett said Annie Walker had gone to America, and no one else could get it for her. He naturally suggested the doctor, but " she told me that he did not know that she was skilled in drugs and medicines, and not knowing that, he would not entrust her with it." She wanted it for external use—to sprinkle on a handkerchief; it was volatile, and she would require a medicine draught bottleful. She gave him a sovereign to pay for it. When they returned to the house he failed to mention the matter to her husband.

On Monday, the 28th, Mr. Dyson did a little shopping. From one and two druggists respectively at Putney and Wimbledon he severally obtained in four separate bottles one ounce, two ounces, and one and a half or two ounces of pure chloroform, labelled " Poison," giving in each case as a reason for the purchase the removal of grease stains. His disingenuous marketing completed, Mr. Dyson sought his lodgings, where he poured the contents of the four bottles into a larger one, to which he transferred a label, and next day gave it to Mrs. Bartlett, " whilst out for a stroll on the Embankment." He accompanied her to Claverton Street, where he saw her husband, who was up and dressed, and " seemed brightened " by the fact that he had been out for a drive, but nothing was said of the unusual purchases.

On Wednesday, the 30th, Mr. Bartlett was so well— " better than I had ever seen him," says the doctor—that Dr. Leach told him he did not need further medical attendance; but the jaw symptoms indicating trouble, another visit to the dentist was arranged for Thursday the 31st. As owing to his former experiences the patient was naturally nervous, his wife and doctor accompanied

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[1] Evidence of the Rev. George Dyson, *Trial*, p. 70.

him. On the way Mrs. Bartlett remarked that they had been wishing they were unmarried, "that they might have the pleasure of marrying each other again." That, said the doctor, was very flattering to her husband, who rejoined, "Yes, we suit one another very well; we agree in our views." A tooth was extracted under gas and the dentist found Mr. Bartlett, as to spirits and general appearance, much improved, but the condition of the lower jaw led him to remark to Dr. Leach in the patient's presence, "I think this looks very like necrosis setting in." It was not extensive and was only commencing. The doctor, considering it superficial, made no comment, and husband and wife went home in a hansom.

Everything that happened on that New Year's Eve—the last day of Mr. Bartlett's life—is of high importance. The landlady tells us that he dined at three o'clock; he had jugged hare, and said he had enjoyed it so much "he could eat three a day." He had supper at nine: half-a-dozen oysters, bread and butter, and cake. He told her he thought the worst was over, that he was now better, and was going to the seaside. Mrs. Bartlett asked her whether she had ever taken chloroform—was it a nice or a pleasant feeling? remarking that Mr. Bartlett was in the habit of taking sleeping drops: "ten was a strong dose, but she did not hesitate to give him twelve." [1] From the servant we learn that in addition to the viands mentioned Mr. Bartlett had oysters for lunch at twelve, that he had his tea, and that his supper included chutney. He ordered a large haddock for breakfast next morning, "and said he should get up an hour earlier at the thought of having it." It is plain that the invalid, however it may have been with his spirits, was not suffering from loss of appetite. At twenty-five minutes to eleven the maid took up coals for the night; Mrs. Bartlett told her not to

[1] Evidence of Caroline Doggett, *Trial*, pp. 50–51. A small bottle of chlorodyne was afterwards found in the room, which probably contained the "drops" referred to.

go into the room again, but to bring a basin for some beef-tea and leave it outside the door, which she did.[1] Mr. and Mrs. Doggett, the people of the house, had friends with them that evening to bring in the New Year; these left shortly after midnight, at 12.25 A.M. the Doggetts went to bed, and silence fell upon No. 85 Claverton Street.

At four o'clock in the morning Mr. Doggett was awakened by Mrs. Bartlett. "Come down," said she; "I think Mr. Bartlett is dead." Mr. Doggett, who by a strange chance was Registrar of Deaths for the district, found his lodger lying on his back in the small bed near the fireplace in the drawing-room. "He is perfectly cold," said he, "and must have been dead two or three hours." "I had fallen asleep," explained the newly-made widow, "with my hand round his foot; I awoke with a pain in my arm, and found him lying on his face. I put him in the position in which you see him, and tried to pour brandy down his throat—nearly half a pint." On entering the room Mr. Doggett noticed a strong smell of chloric ether and saw upon the mantelpiece a wine glass three-quarters full of what smelt like brandy with ether in it. There was no bottle of chloroform on the mantelpiece. Mrs. Doggett came in and saw the body. "I asked Mrs. Bartlett if she had given him the drops [referred to the night before], and she said, 'I have given him nothing.'" There was a very good fire in the room. Half an hour later Dr. Leach, for whom the servant had been sent, arrived and examined the body. The mouth had no odour, the chest was moist and smelt of brandy. The face was pale but the expression natural, there was no appearance of convulsive action. Dr. Leach asked whether the deceased could have taken poison, and suggested several drugs. "Oh no," said the widow; "he could have got at no poison without my knowledge." He then examined the things on the mantelpiece: there was no bottle of chloroform

[1] Evidence of Alice Fulcher, *Trial*, pp. 55–56.

among them. Mrs. Bartlett being unable to give him "any elucidation of the mystery" the doctor said he could not grant a certificate, there must be a post-mortem. "Must there be an inquest?" she asked. "What is he dead of?" "It is probably due to the rupture of some small vessel, some aneurism," said the doctor; and he suggested Dr. Green of Charing Cross Hospital as a suitable person to perform the autopsy. The widow agreed, and wished the examination made as soon as possible. "Spare no expense," said she; "get any assistance you want; we are all interested in knowing the cause of death."

Dr. Green, communicated with by telegram, was unable to perform the post-mortem till the following day, Saturday 2nd January, and Mrs. Bartlett "chafed at the delay." Meanwhile old Mr. Bartlett, informed by telegram of his son's sudden death, came to the house. "I thought he might have been poisoned with prussic acid," he explained at the trial, and he smelt his mouth as he kissed him. "We must have a post-mortem examination," he said; "this cannot pass"; so he arranged for Dr. Cheyne to attend on his behalf. Into the details of the post-mortem conducted by Dr. Green, assisted by Dr. Murray of Charing Cross Hospital, and by Drs. Dudley, Leach, and Cheyne, it is unnecessary here to enter: the professional reader will find the matter fully discussed by Dr. Leach in two articles which he contributed to the medical press.[1] Dr. Green states that the deceased was a strong, well-nourished, healthy-looking man, powerful and well developed. There was nothing abnormal about him, nothing to account for death by natural disease. The blood was more fluid than usual and some inflammation of the stomach was found. The smell from that organ when examined was, says Dr. Green, "almost as strong as a freshly-opened bottle of chloroform." It and its contents were removed for chemical examination.

[1] "The Case of Edwin Bartlett. Mercurialism; Death from Liquid Chloroform; Necropsy." By Alfred Leach. *The Lancet*, 22nd and 29th May 1886.

The Rev. Mr. Dyson called that Saturday morning, having been summoned by Mrs. Bartlett in a letter which, unfortunately, he did not preserve. When he came she asked him whether he did not consider the death sudden? and he said, "Very." She then described how she fell asleep with her arm "round Edwin's foot," and awoke to find him dead. Before she dozed off "she heard them downstairs wish each other a happy New Year." He was present when the result of the post-mortem was announced to her by Dr. Leach. The pungent ethereal odour suggestive of chloroform was mentioned; Mrs. Bartlett made no comment. It was intimated that the rooms must be sealed, and the widow prepared to leave the house and go to a friend, Mrs. Matthews, at Dulwich. She was not allowed to take her handbag with her, and before she left her pockets were searched by her father-in-law. Mr. Dyson escorted her to Dulwich. On the way he asked whether she had used the chloroform. "I have not used it," she replied. "I have not had occasion to use it. The bottle is there just as you gave it to me." She added that it was a very critical time for her, and he must not worry her about it. But Mr. Dyson, with good reason, was himself much worried. On Sunday, 3rd January, on his way to preach at Tooting, the perturbed pastor threw away severally on Wandsworth Common the four bottles which had originally contained the chloroform. On Monday the 4th he called upon Dr. Leach, who read to him the notes of the post-mortem. He then went to Dulwich and asked Mrs. Bartlett what she had done with the chloroform he had got for her. She was very angry, rose up from her chair, stamped her foot, and exclaimed, "Oh, damn the chloroform!" He pointed out that chloroform was believed to be the cause of death, and referred to the strange fact that the post-mortem had failed to disclose any sign of the "internal affliction" from which she had told him her husband suffered and of which she had said he would shortly die. Whereupon the lady denied that she had ever mentioned these matters to him.

"Then," said Mr. Dyson, "I am a ruined man!" He told her he was determined to make a clean breast of his connection with the affair: "She did not wish me to mention the chloroform." There were some further words between them with reference to certain verses which he had addressed to her in happier circumstances and which he now wanted back. They were not quoted in court, Sir Edward Clarke tells us, but the learned counsel had committed to memory the following lines, in case a sample should be required :—

> Who is it that hath burst the door,
> Unclosed the heart that shut before,
> And set her queen-like on its throne,
> And made its homage all her own ?
> My Birdie.[1]

Apart from the execrable quality of the verse, the impropriety of the sentiments it so vilely expressed would cause a painful sensation in Wesleyan circles. No wonder the reverend author felt his reputation both as poet and pastor equally damnable by its preservation. Mrs. Matthews, who overheard what was said, corroborates Mr. Dyson's account of the interview.[2]

On Wednesday the 6th, the authorities having "done with the keys," these were got from Dr. Leach by Mr. Dyson, who accompanied the two ladies to Claverton Street. What Mrs. Bartlett did there will presently appear. They then returned to Dulwich. The inquest opened next day; only formal evidence was taken, and the proceedings were adjourned till the result of the analysis should be known. Mrs. Bartlett and her spiritual adviser attended, but were not examined. At its conclusion they retired to a private room at a pastrycook's for dinner. "She told me," says Mr. Dyson, "I was distressing myself unnecessarily, and I gave her to understand that I thought I had reason to be alarmed. I remember one thing she said: that if

[1] *The Pimlico Mystery*, p. 653.

[2] Evidence of Alice Matthews, *Trial*, pp. 111–112.

I did not incriminate myself she would not incriminate me." But he persisted in his intention to confess his share in the transaction. Their last meeting was on Saturday the 9th at the Matthews', where the situation was again discussed. She told him that on her visit to Claverton Street she had secured the bottle, and had poured out the contents and thrown it away in the train between Victoria and Peckham Rye on her way back. "Suppose it should be proved that you——" and then he hesitated. "Don't mince matters," she replied; "say, if you wish to, that I gave him chloroform!" Reiterating that his ministerial prospects were ruined the unhappy pastor left the house.[1]

On 26th January Dr. Leach was able to tell Mrs. Bartlett that he had got some good news for her: chloroform alone had been discovered in the body, and no such "secret poison" as would certainly have led to her being accused of murdering her husband. "I wish anything but chloroform had been found!" was her unexpected reply; and then for the first time the doctor learned that she had had the means of death in her possession. To account for this, to him, disturbing fact, she went on to give what he calls "a sketch of her married life." Wedded at sixteen,[2] she was induced to enter into a compact "that the marital relations of the pair, in deference to certain peculiar views held by the husband, should be of an entirely platonic nature." The terms of this compact were strictly adhered to except for one specific breach thereof, due to her desire of motherhood. After her confinement they were resumed as formerly. "We became acquainted with Mr. Dyson. My husband threw us together. He requested us, in his presence, to kiss, and he seemed to enjoy it. He had given me to Mr. Dyson." During his last illness Mr. Bartlett unwarrantably manifested a disposition to infringe the articles of association. Mrs. Bartlett's sense of propriety sustained a shock.

[1] Evidence of Mr. and Mrs. Matthews, *Trial*, pp. 113, 117.

[2] She was, as a matter of fact, nineteen years and four months old.

She said, "Edwin, you know you have given me to Mr. Dyson; it is not right that you should do now what during all the years of our married life you have not done." She said it was a duty to her womanhood and to the man to whom she was practically affianced at his wish, and he agreed that she was right.[1]

Nevertheless, as his health improved, Mr. Bartlett renewed his importunities; hence her desire for chloroform.

She said that her object was to sprinkle some upon a handkerchief and wave it in his face every time it was necessary, thinking that thereby he would go peacefully to sleep.[2]

"I never kept a secret from Edwin," she continued, "and the presence of that chloroform in my drawer troubled my mind." So on the last night of the year she brought the bottle to her husband when he was in bed, and told him how she had meant to use it. He looked at it and put it on the corner of the mantelpiece; he was not annoyed—"we talked amicably and seriously"—and then he turned on his side and composed himself to sleep. She next repeated her former account of how she dozed off holding his foot, and awoke to find him dead. She did not examine the bottle to see whether he had taken any of the contents. It was on the mantelpiece when the doctor came; she put it back in her drawer about breakfast-time, and found it still there when, on 6th January, she returned to the house. She took it away with her that day and threw it out of the train as before described.[3]

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[1] Evidence of Dr. Leach, *Trial*, p. 153.

[2] *Ibid.*

[3] The whereabouts of this bottle is of vital importance. According to her statement it remained on the mantelpiece from the time of the death until the following morning; yet both the landlord and the doctor, who between 4 and 4.30 A.M. severally searched the mantelpiece, swore positively that it was not then there. A further extraordinary fact is that the drawer in the bedroom was never searched by the police, who were in charge of the house from 1st to 6th January. They did find, however, in the pockets of the dead man's clothes certain articles unnamable to ears polite, which I can only indicate as among the goods displayed by Mr. Verloc for sale in the mysteriously dim window of his shop of doubtful wares, as described in the opening chapter of *The Secret Agent*. The significance of this discovery will in due course appear.

The inquest was resumed on 4th and 11th February. Mrs. Bartlett was present, and though repeatedly invited by the Coroner to give evidence, declined to do so. Dr. Leach recounted the remarkable story which you have just perused. Dr. Stevenson proved that in the contents of the stomach were found 11¼ grains or nearly 5 per cent. of chloroform. Mr. Dyson availed himself of the occasion to " make a clean breast," with the result that when he had relieved his mind, Mrs. Bartlett was forthwith taken into custody. On the 18th the Coroner summed up, and the jury delivered their verdict :—

> The jury are of opinion that the deceased, Edwin Thomas Bartlett, died from chloroform administered by his wife, Adelaide Bartlett, for the purpose of taking his life, and that the Rev. George Dyson was an accessory before the fact.

As this amounted to a verdict of wilful murder he was at once arrested.[1]

The defence of Mrs. Bartlett was entrusted to Sir Edward Clarke, then one of the ablest counsel at the bar.

> It was evident [he says] that, as in the Penge case, questions of medical science would be of supreme importance, so I postponed some cases and returned other briefs, and spent a week or ten days in studying at the British Museum or in my own library all that was known about the qualities and effects of chloroform and the methods of its administration.[2]

To such good effect had Sir Edward got up his subject that he was able at the trial to give the medical witnesses rather a bad time—Dr. Leach pathetically complained : " This is like a college examination upon oath ! "—and indeed it was mainly on the cross-examination of the Crown experts that an acquittal was secured.

The trial was held at the Central Criminal Court, before the Hon. Mr. Justice Wills, from Monday 12th April to Saturday 17th April 1886. The Attorney-General, Sir

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[1] *Times*, 5th, 12th, and 19th February 1886.

[2] *The Story of My Life.* By the Right Hon. Sir Edward Clarke, K.C., p. 249. London : 1918.

Charles Russell, assisted by Mr. Poland and two juniors, conducted the prosecution; Mr. Clarke, with two juniors, appeared for Mrs. Bartlett; Mr. Lockwood and Mr. Charles Mathews, for Dyson. Of these distinguished seniors one became a peer and the other four were knighted. When the Court sat, application was at once made by Mr. Lockwood that the prisoners be tried separately. The Attorney-General, however, stated that it was unnecessary to consider the question, as the Crown had decided to offer no evidence against Dyson. Both prisoners having pleaded Not Guilty, his Lordship directed the jury to acquit Dyson, which was done, and he was formally discharged. The course adopted by the prosecution was, as will appear, of immense benefit to the defence of Mrs. Bartlett.

The Attorney-General opened the case with characteristic lucidity; he outlined its history, with which the reader is now familiar, and pointed out that the death was undoubtedly due to the chloroform found in the stomach. The question was: How did it get there? Having disposed of the suggestions of suicide and accident, he concluded by stating the Crown theory of administration by the prisoner at the bar: that the deceased was first partially "chloroformed" in the popular sense, and that when semi-conscious, liquid chloroform was poured down his throat. It is, as we shall find, unfortunate that the prosecution thus tied themselves down to this hypothesis. In his final reply for the Crown Sir Charles had a much more probable supposition, namely, that a fatal dose in brandy might have been handed to Bartlett in the wine-glass, which smelt of both, and been gulped down before he was aware of the contents; but against this new theory Mr. Clarke vigorously and successfully protested, and the judge afterwards told the jury that it came too late for their consideration.

The father and the business partner of the deceased, the landlord, landlady, and their servant, and sundry minor witnesses having been examined, the Rev. George Dyson

was called, and gave his account of his connection with the matter, as before narrated. "I need hardly say," remarks Sir Edward Clarke, "that the task of cross-examining him was one of the most delicate and difficult I ever had." [1] As regards the result to his client of her lover's acquittal Sir Edward observes :—

> The advantage to me was obvious. Having admitted that he was innocent the Attorney-General could not help calling him as a witness, and so offering him for my cross-examination. That would not be hostile, but friendly and sympathetic, for the more closely I could associate his actions with those of Mrs. Bartlett, the more I should strengthen the instinctive reluctance of the jury to send her to the hangman's cord while he passed unrebuked to freedom.[2]

Mr. Dyson said that there was no secret understanding apart from Mr. Bartlett as to marrying his widow. No impropriety had ever taken place between them. He never thought of telling Dr. Leach about the "internal complaint"; to have done so would have been an impertinence. His income was about £100 a year. He never saw the deceased reading a book by Dr. Nichols entitled *Esoteric Anthropology*; *or, The Mysteries of Man*, which, appropriately bound in blue, was found in the house; but he knew that Mrs. Bartlett had a copy of Squire's *Companion to the British Pharmacopœia*.[3] He threw away the bottles in a panic, not for self-protection. Re-examined, he went to three different shops for the chloroform because he did not expect to get as much as he wanted from one chemist: "I thought he would not understand that Mrs. Bartlett was skilled in the use of medicines." He gave a false reason in order to avoid an explanation.

Mrs. Matthews having given evidence as to the scene between Dyson and Mrs. Bartlett at her house, Mr. Matthews stated that the prisoner told him her husband's illness was due to mercurial poisoning and verdigris,

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[1] *The Story of My Life*, p. 250.

[2] *The Pimlico Mystery*, p. 656.

[3] These works are not commonly met with in a private library.

occasioned by " moving things in the warehouse : he had been hunting rats." [1] The day after the death he asked her if her husband could have taken poison, and she answered, no ; there was no poison in the house. After the discovery of the chloroform in the body " she told us that Dr. Leach had said that it would be impossible for her to have given him chloroform by inhalation without it showing in the brain ; and she could not have given it to him as a drink, because it would have burnt his throat all down, and he would have aroused the house with his cries." [2]

Dr. Nichols, graduate of New York and author of the esoteric anthropological brochure, stated that he never saw either Mr. and Mrs. Bartlett or Annie Walker in his life, and never said that anyone named Bartlett would die within twelve months. Annie Walker stated that she attended Mrs. Bartlett in her confinement ; no chloroform was used on that occasion. She never had any conversation with her about chloroform, nor did she ever bring her any. She had neither been in America nor thought of going there.

An officer in the Metropolitan Police Force described how he searched the house at Claverton Street and took possession of sundry bottles, books, and letters. In the pocket of deceased's clothes he found certain articles of foreign manufacture, which need not be further specified.[3]

Dr. Leach gave his account of the symptoms and death of Mr. Bartlett, the post-mortem appearances, and the strange statement made to him by the widow on 26th January. The doctor was not a satisfactory witness ; his extreme self-consciousness led him to qualify almost every answer by a personal explanation ; but, as the judge afterwards told the jury, if there was one thing that Dr.

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[1] There are probably few recorded poisoning cases in which no mention is made of these convenient rodents.

[2] Evidence of George Frederick Matthews, *Trial*, p. 117.

[3] Evidence of Tom Ralph, *Trial*, p. 200.

Leach was quite clear about, it was that when he first saw his patient dead there was no bottle of chloroform upon the mantelpiece. Mrs. Bartlett, he said, was an admirable and devoted nurse—he could not wish a better; her only fault was that she petted her husband too much. During the illness she preserved for examination everything he required.

The case, in the opinion of Sir Edward Clarke, turned upon the evidence of the Crown experts, Drs. Stevenson and Tidy. Dr. Stevenson described the results of his analysis. In the contents of the stomach, which smelt very strongly of chloroform, he found eleven and a quarter grains, equivalent to between eight and nine minims, or approximately 5 per cent.; and in the intestines, three-tenths of a grain. The cardiac end of the stomach next the gullet was inflamed, the inflammation extending three inches up the gullet. The presence of chloroform was an adequate cause of these appearances. A person swallowing liquid chloroform would feel pain and a hot fiery taste. It could be poured down the throat of one moderately under the influence of inhaled chloroform with "no insuperable difficulty." Insensibility could be produced by inhalation during sleep. The cross-examination was directed to bring out the difficulties attending the Crown theory of partial insensibility followed by administration. Dr. Stevenson admitted that there was no recorded case of murder by liquid chloroform. The crucial passage came at the end of a long and exhaustive "cross," which as reported occupies over twelve closely printed pages.

Q. Now, suppose you had to deal with a sleeping man, and it was your object to get down his throat without his knowing it a liquid, the administration of which to the lips or throat would cause great pain, do you agree it would be a very difficult or delicate operation?—*A.* I think it would be an operation which would often fail, and might often succeed.

Q. Would not you look on it as a delicate operation?—*A.* I should look on it as a delicate operation, because I should be afraid of pouring it down the windpipe.

Q. That is one of the dangers you contemplate ?—*A.* Yes.

Q. If it got into the windpipe, there would be spasmodic action of the muscles, would there not ?—*A.* At the stage when you had come to the conclusion that you could do it, when there is insensibility or partial insensibility, the rejection of the liquid by the windpipe would be probably less active than when the patient was awake.

Q. If the patient got into such a state of insensibility as not to reject it, it would go down his windpipe and burn that ?—*A.* Probably some of it might go down his windpipe.

Q. If it did so, it would leave its traces ?—*A.* I should expect to find traces after death, unless the patient lives for some hours.

Q. Of course a great many post-mortem appearances are changed if the patient lives for some hours ?—*A.* Yes.

Q. Not only by the chloroform disappearing, so to speak, but also other changes incidental to a post-mortem condition ?—*A.* Yes.

Q. And if the post-mortem examination had been performed, as Mrs. Bartlett wished it to be, on the very day on which death took place, there would have been still better opportunity of determining the cause of death ?—*A.* Yes.[1]

Dr. Tidy concurred generally with Dr. Stevenson.[2] He said that an ounce and a half of liquid chloroform had proved a fatal dose. An ordinary sherry-glass contained two and a half fluid ounces. Partial insensibility could be produced by inhalation during sleep. Cross-examined, he had made the experiment in three cases: in one, a boy, he was successful; in the others, adults, he failed. Very much less was known about the action of swallowed chloroform than about that given by inhalation.

The Crown case closed with the evidence of servants and others to the effect that, until they came to Claverton Street, Mr. and Mrs. Bartlett habitually occupied the same room. No evidence was led for the defence, and Mr. Clarke then addressed the jury.[3]

It must be plain to the most casual reader of the fore-

[1] Evidence of Dr. Thomas Stevenson, *Trial*, pp. 220–221.

[2] Three years later Drs. Stevenson and Tidy were opposed as medical champions on the trial of Mrs. Maybrick.

[3] The speech for the defence, to which no abridgment can do justice, may most conveniently be read in *Selected Speeches with Introductory Notes*, by Sir Edward Clarke, pp. 383–444. London: 1908.

going narrative that the learned counsel had his work cut out for him. The *Lancet*, in a leading article on the case,[1] remarks :—

> The purchase of the chloroform by Mr. Dyson at the request of Mrs. Bartlett, the certain death of Mr. Bartlett by swallowing the drug, and the disappearance of the bottle which contained it, formed a chain of events which required all the forensic talent of Mr. Clarke to loosen and unlink to the satisfaction of the jury.

They were asked, he said, to believe that a woman who had lived for years in friendship and affection with her husband, who had nursed him in his illness and sacrificed her own rest to watch over him at night, who had called in doctors and done everything possible for his recovery, was suddenly transformed into a murderess, and committed the crime by an operation which even to highly trained doctors would be delicate and difficult. This was the first case where murder by liquid chloroform was suggested since its discovery forty years before, and they were asked to say that this woman had committed an offence absolutely unknown in the history of medical jurisprudence. After hearing Drs. Stevenson and Tidy they would appreciate the reasons why chloroform had never been so used. In this case there was no doubt that the stomach contained sufficient chloroform to indicate that a probably fatal dose had been taken. The suggestion was that Mr. Bartlett being asleep, chloroform was administered to him by inhalation, which reduced him to a state of sufficient insensibility to prevent his resisting the subsequent administration of liquid chloroform. Such a process bristled with difficulties. In the recorded cases of attempts by skilled anæsthetists to chloroform sleeping persons 75 per cent. failed, the patients awakening at once. Dr. Stevenson tried it on six persons, who all resisted ; Dr. Tidy succeeded with children, but not with adults. The post-mortem appearances in this case negatived the suggestion of inhalation. Suppose the miracle worked and

[1] 24th April 1886.

these difficulties surmounted, there was but one stage of insensibility at which it was possible to pour liquid down the throat: when the reflex action of the muscles could still be excited and the act of swallowing be performed. At any later stage the liquid would enter the air passages and cause choking. Yet they were asked to believe that this woman, alone that night with her husband, performed on him this marvellous operation. In view of the scientific aspects of the case, it was impossible for them to find her guilty. There remained certain matters of suspicion and prejudice. The conversation with Mrs. Doggett on the evening of the death as to the effects of chloroform was as likely to suggest to Mr. Bartlett the idea of taking it as to be connected with any thought of murder. Then there was the order to the servant to leave the basin outside the door, and the fact that Mrs. Bartlett had changed her dress. The first was plainly to prevent the invalid being disturbed; the second, that she had put on an easier garment in which to pass the night. As to the condition of the fire next morning, it had been built up to last all night and was broken up by a touch of the poker. With regard to the alleged statements about Dr. Nichols and Annie Walker made by Mrs. Bartlett to Mr. Dyson, these depended upon the evidence of that gentleman alone. Now, if the making of an untrue statement were proof of guilt, why was Mr. Dyson in the witness-box? He (counsel) fully accepted the innocence of Mr. Dyson; but if the untruthful statements which he said she made to him were to be used with fatal effect against the woman in the dock, how fortunate was Mr. Dyson that he was not there himself! Having recalled his admitted falsehoods when buying the chloroform and his throwing away of the bottles, counsel said that it would be strange indeed if her alleged untruths were allowed to weigh against *her*. She could not be expected to tell him the true reason why she wanted it. The abnormal marital relations of the Bartletts, and the encouragement by the husband of Mr. Dyson's affection for

the wife, would be unbelievable if they rested on oral evidence alone, but they were proved by documents. Mr. Bartlett's letter to Mr. Dyson was the key of the case: it corroborated Mrs. Bartlett's story. The four accounts of the death given by her to Mr. Doggett, Dr. Leach, Mrs. Matthews, and Mr. Dyson, differed in no material circumstance. After the full statement she had made to Dr. Leach on 26th January there was no need for her to give evidence at the inquest: the doctor, at her request, told her tale. It was not for the jury to decide whether Mr. Bartlett had committed suicide; the only question for them was: Was he murdered by the hand of the prisoner? Counsel then minutely examined the medical history of the case, of which he took a graver view than Dr. Leach. Dr. Dudley was called in to shield Mrs. Bartlett from the malice of her father-in-law, who would in any case have believed that there was foul play; who smelt his dead son's mouth for prussic acid; and in the witness-box repeated his former slander of the wife, and suggested that his son's signature to the will was forged. On 31st December the dentist said in the patient's hearing that necrosis was setting in, which would severely shock and alarm one in his nervous condition. That night his wife gave him the bottle of chloroform and told him how and why she had meant to use it.

Suppose she left the room as usual to wash, and he had placed the bottle on the mantelpiece. There was a wine-glass there, and while she was away it was perfectly easy for him without leaving his bed, lifting himself only upon his elbow, to pour into this wine-glass the less than half a wine-glass of chloroform which constituted that fatal dose, and having replaced the bottle, then to have taken it off. If he swallowed it that way, quickly, there would not be appearances of long exposure of the softer substances of the mouth and throat to chloroform. Having drunk it, he resumes his recumbent position, the chloroform passes down his throat and reaches the stomach. There is no difficulty, nothing unreasonable, nothing extraordinary; and within two or three minutes he might be passing into a state of coma.[1]

[1] *Trial*, p. 266.

If her statement were accepted everything was made clear. "There was no scientific miracle worked by this grocer's wife in circumstances where it could not have been worked by the most experienced doctor." When she discovers that her husband is dead she rouses the house, sends for doctors, sends for friends, and presses for a post-mortem. They could not rely on the evidence of the witnesses as to what was then upon the mantelpiece, for while Doggett swore that there was no bottle, Dr. Leach swore that there was a bottle of chlorodyne. Not till the Coroner's officer had done with the rooms did she remove the bottle of chloroform. True, she did throw it away, just as Dyson threw away his bottles, but not till three days after he had done so, and following on the conversation with him to which Mrs. Matthews spoke.

> From the moment of that death every word and act and look of hers has been the word and act and look of a woman conscious of her innocence, though naturally shrinking from the suspicion which at last she saw would gather with awful force and strength around her. . . . The first challenge to the world to bring this charge came from her lips.[1]

After a moving peroration, in which he demanded a verdict of Not Guilty, the learned counsel amid loud applause resumed his seat.

The Attorney-General in his reply for the Crown pointed out that the accused gave no explanation to the Coroner, and that her first attempt at an explanation was that to her friend Dr. Leach on 26th January. She might, had she seen fit, have made her own statement at the trial.[2] No doubt this was the first recorded case of murder by liquid chloroform; but Palmer's counsel could have said the same of strychnine, and Lamson's, of aconitine.[3] The

[1] *Trial*, p. 269.

[2] She was probably well advised not to do so; three years later Sir Charles Russell's client, Mrs. Maybrick, made from the dock such a voluntary statement, with dire results to her chances of acquittal.

[3] And Crippen's, of hyoscin. Why should poisoning be the only art insusceptible of development? The average practitioner is a confirmed Tory,

question was, Had the evidence satisfied them with reasonable certainty that there was criminal use of chloroform by the prisoner at the bar? Counsel then reviewed the story of the Bartletts' married life, as told by the lady to the doctor. She said she was married at sixteen—she was nearer twenty—and knew not the meaning of marriage; that she and her husband lived on the footing of friends, with one exception in ten years, of which a child was the result. Could the jury believe it? What was found in the dead man's pocket suggested different relations between them. In 1885 they form that dangerous intimacy with Dyson and she is made over in reversion to a living man. Yet this compliant husband, when told that his proposed attentions are unfair to his successor, turns on his pillow and poisons himself! But apart from the statement of the two parties concerned there was no proof of this incredible arrangement. The letters showed nothing but that confidence in his wife and friend which the husband expressed further in his will. Counsel then considered the illness, which the defence sought to represent as grave, but which was really an attack of indigestion. His teeth were bad, but the dentist relieved him, and on the day of his death he was in exceptionally good spirits, as proved by Dr. Leach, who thought him so well that he did not need to see him again. He ate several good meals, ordered his breakfast, and spoke of going to the seaside. Now, on the 27th the prisoner asked Dyson to get her chloroform, telling him a false story about Dr. Nichols, Annie Walker and her husband's "internal affliction." She had Squire's *Companion*, which describes chloroform as an irritant poison: anyhow, the bottle was labelled "Poison." Why did she want it? For the purpose of sprinkling it on a handkerchief to wave in the face of her too-attentive spouse! Was that a likely story or one which they could accept? While the prosecution's theory of administration

whose watchword is "Arsenic for Rats." As a household remedy which no scientific substitute can oust, arsenic seems secure in popular favour.

involved difficulties, on the alternative theory of suicide these became insuperable. But there was another way: the fatal draught might have been handed to him in a glass of brandy and gulped down by him without suspicion.[1] [Here Mr. Clarke strongly protested against a suggestion which formed no part of the Crown case as opened by the Attorney-General.] Either the man took it himself with suicidal intent, or the prisoner gave it him with criminal intent. His circumstances were prosperous, he had recovered from his illness, was in exceptional spirits, on good terms with his wife, and going away for a change: all facts which negatived the probability of his taking his own life. She does nothing with the chloroform when she gets it; she tells her husband he has "given her over to Dyson," and brings him the bottle. Without expostulation or remonstrance he turns on his side, she leaves the room, and he drinks the chloroform. Could he have suppressed a cry of agony? Could he have re-stoppered the bottle and put it back on the mantelpiece? Could they believe that she heard nothing and saw nothing when she returned to the room? What became of the bottle? It was removed before Dr. Leach came, for he carefully searched the mantelpiece. By whom, when, and why? These were grave questions. If she were guilty one would have expected her to leave the bottle beside her husband, but the shortsightedness of criminals was often providential. Dr. Leach at once put it to her, "Can he have taken poison?" and she answered, "No." Not till 26th January does she mention chloroform. If she believed it to be suicide, why say nothing to the doctor? The demand for chloroform, the false reasons given for wanting it, the death due to chloroform, the improbability of suicide—were these circumstances reasonably consistent with the prisoner's innocence? The motive was to be found in her

[1] Why, instead of basing their case on a "scientific miracle," the prosecution did not from the first adopt this obvious and simple explanation, is an additional mystery.

relations with Dyson.[1] Hers was manifestly the stronger character: after the death he was appalled at what he had been led to do; all she said was, "If you don't incriminate me I won't incriminate you." Over and above ridding herself of a distasteful union and her affection for another man, there were the provisions of the will in her favour. His learned friend had invoked the spirit of justice as the friend and protector of the prisoner.

> Gentlemen, let me say the spirit of justice, and whose friend it is proved to be, depend upon the antecedent question which is not yet determined—Is there guilt here, or is there innocence? The spirit of justice, if there be guilt, cannot be invoked to conjure up doubts or to protect a criminal.[2]

Before his Lordship began his charge Mr. Clarke asked leave to put to Annie Walker a single question, which the Court allowed.

> ANNIE WALKER recalled.
>
> MR. JUSTICE WILLS.—Will you put your question, Mr. Clarke?
>
> *Mr. Clarke.*—If your Lordship pleases. Annie Walker, at the time you nursed Mrs. Bartlett in her confinement, did you become aware from anything she said to you with regard to its having been the result of a single act?—*A.* Yes, sir.
>
> MR. JUSTICE WILLS.—What was it?—*A.* That it happened only once, on a Sunday afternoon.
>
> *Q.* She said so?—*A.* Both of them; that there was always some preventive used.
>
> *Q.* What?—*A.* That there was always some preventive used.[3]

With the charge of Mr. Justice Wills, a masterly and fair review of the evidence, I have left myself but scant space to deal. In regard to the position of Mr. Dyson his Lordship observed that had he also been in the dock,

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[1] It has been cynically observed that, in the murder of a husband by a wife, the relationship in itself affords an adequate motive.

[2] *Trial*, p. 286.

[3] *Ibid.*, p. 287. The effect of this evidence on the truth of Mrs. Bartlett's statement to Dr. Leach will be sufficiently apparent. Mr. Clarke must have regretted that he did not leave well alone.

the circumstances of uncommon suspicion in which he bought the chloroform would have told with fatal effect against both himself and the prisoner. The assumption by the Crown of his innocence was an immense gain to her. After resuming what was known about the Bartletts' married life and Mrs. Bartlett's account thereof, his Lordship said that in view of the vulgar facts disclosed upon the proof it was impossible to represent the deceased as a Joseph, capable of superhuman self-restraint. It was proved that the pair lived happily together till the shadow of the Rev. George Dyson fell across their path. A Christian minister discussing about a man having two wives, taking advantage of the husband's weakness, kissing his wife and sitting with her head on his knee, on the miserable pretext that he was to succeed the husband on his death, was not a pleasant spectacle. Both admitted they had reached the stage that the death of Bartlett and Dyson's succession were familiarly discussed. When things have come to that, a husband's life is not one an insurance company would take at any premium; and if the very thing which has been the subject of discussion occurs in most suspicious circumstances, the actors cannot complain if grave suspicion arises that he or she or both of them had a hand in it. Slender faith attached to Dyson's statements; he had to make, in his discreditable relations with this woman, the best story he could, and it was plain he had determined that whoever might suffer it should not be the Rev. George Dyson. The story that Mr. Bartlett invited his friend's attentions to his wife presented features of revolting improbability. There was nothing to corroborate it in the letters. If they believed that the prisoner told Dyson those lies about her husband's "internal affliction" and impending death, they became a serious circumstance in the case. His Lordship then considered the history of the illness. Mr. Bartlett was a strong man, only once ill in thirteen years. The mercurial poisoning and the necrosis of the jaw suggested that possibly he was suffering

from a certain disorder, but his life was in no danger. His demeanour on 31st December was utterly unlike that of a man about to die. It was in the prisoner's favour that she was proved to have been an attentive and devoted nurse. With regard to how the chloroform came to be swallowed, there was evidence that it had been in the wine-glass. They must refuse the Attorney-General's new theory and proceed on that originally stated. If she did succeed in so giving it, she must have had extraordinary luck. Palmer and Lamson were experts ; she was ignorant of the difficulties, but that took away from the unlikelihood of the attempt. One thing was certain : this man was killed with chloroform either by himself or by his wife. Non-criminal administration by him was possible : craving for sleep, he might in the dark have poured some into the glass and drank it. One and a half ounces had proved a fatal dose. That was a more reasonable explanation than suicide, which was absurd. The strongest fact against her was the history of the bottle. At 4 A.M. the bottle had disappeared—a fact hard to account for if all were right, for if he took it himself the bottle must have been there then. The prisoner said she put it in her drawer about breakfast-time—the police did not search the drawers. Where was it in the interval ? Only she could have removed it. Strange that when discussing with the doctor the cause of her husband's death, the wife, with a six-ounce bottle of chloroform in her possession, should say nothing about it. On the other hand, she pressed for an immediate post-mortem, which few guilty persons would have done ; and it was not her fault that the body was not examined within a few hours of death, which was a point of extreme importance in her favour. As to the tale of the mystic union told by her to Dr. Leach, how could they believe it in view of the disclosure they had just heard ? The whole foundation of the morbid romance was swept away by the evidence of Annie Walker. That being so, did not the story of the use to which the chloroform was to be put also go by

the board? This was the stress of the case against the prisoner. There were certain facts of which they could not get rid: (1) chloroform handed to her, (2) chloroform in her possession, (3) chloroform killing the man, (4) the bottle disappearing, and (5) no account of these matters except her statement to Dr. Leach. If they could believe that, it disposed of the suspicions as to procuring, use, and silence. Could they on their oaths accept it as true? The only explanation given could not stand against the vulgar facts proved. But they were the judges, and if they believed it they would acquit her.

This, after two hours' deliberation, the jury saw their way to do as follows :—

The *Foreman.*—We have well considered the evidence, and although we think grave suspicion is attached to the prisoner, we do not think there is sufficient evidence to show how or by whom the chloroform was administered.

The *Clerk of the Court.*—Then you say that the prisoner is Not Guilty, gentlemen?

The *Foreman.*—Not Guilty.[1]

The result was received in Court with immense cheering, which the judge described as an outrage on decency. His Lordship made no comment on the verdict, and the prisoner was discharged.

The acquittal was justly regarded by Sir Edward Clarke as a personal triumph.

For the first and the only time in my fifty years of advocacy [he says] the suspense and emotion, as I saw my client go from the dock to freedom, broke me down. I found myself sobbing; I dropped my head on the desk before me, and some minutes passed before I regained my self-control. Then came the hour of triumph. When I had unrobed and came down to the courtyard, I found the jury waiting at the foot of the steps to shake hands with me and to congratulate. When the gates were opened to let my brougham out, a cheering crowd came round me and ran beside it, shouting, up the Old Bailey and along Holborn, while the passers-by on foot, or on the omnibuses, took up the cry.[2]

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[1] *Trial*, p. 312.

[2] *The Story of My Life*, p. 253.

Visiting the Lyceum that night to see Irving in *Faust*, he records that his reception by the audience was well nigh royal. Mrs. Bartlett wrote to express her gratitude: "I have heard many eloquent Jesuits preach," said she, "but I never listened to anything finer than your speech." [1] One wonders whether so stout a Protestant as Sir Edward appreciated the compliment. The sensational aspects of the trial, and the excitement of the closing scene, were the subject of a flamboyant article in the *Pall Mall Gazette*, quoted with approval by Sir Edward.[2] The *Times* of the same date, in an admirable leader on the case, more soberly observes:—

> How Mr. Bartlett met his death the jury do not know; the Pimlico mystery remains at the end of six days' trial a mystery still. Whether on the theory of guilt or innocence, the whole story is marvellous. Three or four very commonplace persons are the actors in it, and they weave a plot which will in all probability never be unravelled. . . . No one can be sure what passed in the bedroom at Claverton Street in the small hours of the morning of New Year's Day. The Pimlico mystery remains in its original darkness—an extremely unsatisfactory, but probably inevitable, result.[3]

Had space so served it were instructive to consider the incidence of luck in the cases of Mrs. Bartlett and of Mrs. Maybrick. Each had committed herself with another man; but while the affair of Brierley was to Mrs. Maybrick fatal from the first, Mrs. Bartlett's association with Dyson actually contributed to her escape. Both owned the means of death, but Mrs. Maybrick's explanation was more credible than Mrs. Bartlett's. In the one case, the poison was open to the whole household; in the other, none but herself had access to it. Mrs. Maybrick attempted to make her explanation at once, but was stopped by the police; Mrs. Bartlett kept silence till chloroform had been found in the body. Her husband certainly was poisoned; James

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[1] *The Pimlico Mystery*, p. 667.

[2] *Ibid.*, pp. 663–666.

[3] *Times*, 19th April 1886.

Maybrick admittedly may have died from natural causes. Finally, the one, as we have seen, was acquitted; the other was convicted, condemned to death, and served her commuted sentence of fifteen years' penal servitude for an offence with which she had not been charged. Justice was blinder to Adelaide Bartlett's faults than to those of Florence Maybrick. Had Mr. Bumble been empowered to review on "porochial" appeal the disparate results of their respective trials, he might well have been confirmed in his opinion touching the wisdom of the law.

"PATE STEWART":

A FOOTNOTE TO "THE PIRATE"

BEATI PACIFICI
Kings have their Periods; by Same Natures date,
The poore man dies, so doth the Potentate:
And though to ye Worlds eye Kings seeme compleater
Their standing high, makes but their fall the greater.

KING JAMES THE FIRST OF ENGLAND.

(*From an engraving in Wilson's* "History of Great Britain," 1653.)

"PATE STEWART":

A Footnote to "The Pirate"

Meaning, probably, Patrick Stewart, Earl of Orkney, executed for tyranny and oppression practised on the inhabitants of those remote islands in the beginning of the seventeenth century.—Sir Walter Scott.

I AM old-fashioned enough to love Sir Walter and to revel in the Waverley Novels—old enough too, alas! to have been doing so now these many years; and I always think the one I have just finished the best of the lot. Yet there are three that I can never manage to get through, and three more that unless cast upon the proverbial desert island with a complete set, I am not likely to essay again. But, on the other hand, I could be content to read the rest for ever. I conceive that should it be my fortune to reach a ripe old age I may even come to read little else. Scott and I first made acquaintance in a sick-room, and were I to fail in loyalty to the consoler of those tedious hours I should be base indeed. Since then, despite occasional and fleeting infidelities—for the best of us are but human in our affections—I find myself, like the Son in the Parable, weary of the unsustaining psychologic husks furnished for more modern palates, returning to my spiritual home, with grateful anticipation of the fatted calves there awaiting me. I have my favourites, of course, among that admirable herd; and were I driven to name them, my chosen three, they should be *The Antiquary*, *Redgauntlet*, and—*pace* a stupid public—*St. Ronan's Well*. Not far behind these comes, in Lockhart's gallant phrase, "the splendid romance of *The Pirate*." He records how "the wild freshness of its atmosphere, the beautiful contrast of Minna and Brenda, and the exquisitely drawn character

of Captain Cleveland, found the reception which they deserved."

It is curious to note how Scott's novels divide the suffrages of his admirers. Thus Robert Louis Stevenson, who swears by *Rob Roy* and *Guy Mannering*, has frankly confessed: "I could not finish *The Pirate* when I was a child. I have never finished it yet." He must have got at least so far as Chapter XXIII., for he elsewhere admits: "In that ill-written, ragged book, *The Pirate*, the figure of Cleveland—cast up by the sea on the resounding foreland of Dunrossness—moving, with the blood on his hands and the Spanish words on his tongue, among the simple islanders—singing a serenade under the window of his Shetland mistress—is conceived in the very highest manner of romantic invention. The words of his song, 'Through groves of palm,' sung in such a scene and by such a lover, clench, as in a nutshell, the emphatic contrast upon which the tale is built." Again, writing to W. E. Henley in July 1881, as to what he terms his "fantastic sonata about the sea and wrecks," *The Merry Men*: "It is, I fancy, my first real shoot at a story; an odd thing, sir, but, I believe, my own, though there is a little of Scott's *Pirate* in it, as how should there not? He had the root of romance in such places." And upon this point, in discoursing of legends, he has further observed: "To a man like Scott, the different appearances of nature seemed each to contain its own legend ready made, which it was his to call forth; and in this spirit he made . . . *The Pirate*, so indifferently written but so romantically conceived, for the desolate islands and roaring tideways of the North."

Mr. Andrew Lang, Scott's ablest and most understanding critic, whose charming introductions to the Border Edition I am inclined to think the best bit of work he ever did, referring to Lockhart's judgment of the book, remarks: "'The wild freshness of the atmosphere' is indeed magically transfused, and breathes across the pages as it blows over the Fitful Head, the skerries, the desolate moors,

the plain of the Standing Stones of Stennis. The air is keen and salt and fragrant of the sea. . . . *The Pirate* can scarcely be placed in the front rank of Scott's novels, but it has a high and peculiar place in the second." The late Mr. C. A. Young also, in his fine appreciation of the Waverleys, a book too little known, has written :

> The background of *The Pirate* is sea-girt Orcadia, peopled by kindly fisherfolk or simple tacksmen. But on the high cliffs dwells Norna, her brain quick with memories of the Norsemen, her lips moving with their spells ; at times the old world of the Vikings seems to come again. With song and jest and interminable tale Claud Halcro transports the reader to the gay and witty London of " glorious John " and the Restoration. And who are these swarthy men upon the sands, full of strange oaths and stranger tales of the Spanish Main, uncouth in garb, rude in manner, sudden in quarrel ? The anomalies of the situation do not merely affect the reader. It is the mystery, the " something rich and strange " in Cleveland that attracts the imaginative Minna. It is the subduing stillness of the island atmosphere which makes Cleveland so out of love with his former life.[1]

When, apart from these scenic and atmospheric attractions, we call to mind the leading persons of the tale : the stout old Udaller, Magnus Troil, and his engaging daughters, Minna and Brenda ; the picturesque pirate, Cleveland, and his delightful lieutenant, Jack Bunce ; Norna, the imposing Pythoness ; Bryce Snailsfoot, the cozening jagger ; and above all, Triptolemus Yellowley, that inimitable reformer, and his thrifty sister, Miss Baby,—well, there is nothing for it but to take down the book and read all about them once again.

Mr. Lang has acutely noted as one of the charms of *The Pirate* that here Scott is manifestly writing for his own pleasure, " with a certain boyish eagerness." Sir Walter was then at the altitude of his fame and fortunes—" at once the most lavish host and the most prolific writer of his age, perhaps of any age " ; the sky was clear ; the

[1] *The Waverley Novels : An Appreciation*, by Charles Alexander Young, p. 102. Glasgow : 1907.

black clouds that five years later would darken his remaining days were still invisible beyond the horizon; everything foretold continued prosperity and peace. Lockhart has preserved for us a pleasant picture of summer mornings at Chiefswood, when Sir Walter, escaping from the noble army of bores by which Abbotsford was then beleaguered, would slip over to the cottage and write after breakfast a chapter of *The Pirate*. That was in 1821; the book, as everyone knows, grew out of the author's recollections of a voyage to the Northern Isles aboard the lighthouse yacht in 1814, under the leadership of Stevenson's grandfather. Scott's diary of the cruise is printed by Lockhart. He visited the crumbling tower of Scalloway, built by Patrick Stewart, Earl of Orkney, and also his ruined palace and castle of Kirkwall, and saw in the Cathedral of St. Magnus the high seat of "that rapacious Lord," bearing the royal arms of Scotland.

Earl Patrick was a son of the Lord Robert Stewart, Commendator of Holyrood, created first Earl of Orkney in 1581, who was a natural son of King James the Fifth and a bastard brother of Queen Mary. You remember that it was he who warned Darnley at Kirk-o'-Field of a plot against his life. Consequently Patrick, who on his father's death in 1592 succeeded to the title as second earl, was able to call himself cousin-german to King James the Sixth—on the wrong side of the royal blanket. To this illustrious ancestry he owed the illicit infusion of the blood-royal; his force of character and troublous humour he derived from a remoter relative, the Wolf of Badenoch. The Earl was for some years a *persona grata* at Court, and enjoyed for a time the precarious favour of his sovereign lord. At the state banquet given at Stirling in August 1594 on the occasion of the baptism of Henry, Prince of Scotland, we read: "This done, the king and queene, with the ambassaders, satt at table in the Great Hall at eight hours at even; the office men to the king, the Erle of Marr, Great Maister Household, the Lord Fleeming,

Great Uscher, the Erle of Montrose, carver, the Erle of Glencarne, cupper, the Erle of Orkney, sewer." [1]

The Earl, as we shall see, had thus early begun to exercise his—in a double sense—sinister royal authority in his remote dominions, and that he did not rest content to wield it over his own subjects appears from the following facts. That same year certain citizens of "the toun of Danskene" [Dantzig] obtained criminal letters against him and his agents "for the wrangous, violent and maisterfull spoliatioun and away-taking fra the saidis persewaris, of ane ship of the toune of Danskene, callit *The Ark of Noy* [Noah], with hir ankeris, cabillis, towis, furnitour, and certane utheris guidis and geir." [2] The owners of *The Ark* were unsuccessful in their attempt to bring her noble ravisher to book. The case was called in July; there was no appearance for the defenders, and a proof was allowed. This was taken in December, when the Earl condescended to compear and evidence was led. "All which having been considered, the King, with advice of his Council, assoilzies the defenders simpliciter from the said summons and piracy libelled and decerns them quit therefrom in time coming, because the pursuers have failed in proving the points of the summons against the defenders." [3] So for the time the Earl was free to resume his left-handed sovereignty. What manner of government and state he held in his sea-beaten realm may be read in a contemporary account:

This Patrik Erle of Orknay was lang in favour with the King; he had a princelie and royall revenew, and indeid behavit himself ther with sik soveraintie, and geve [if] I durst say the playne veritie, rather tyranicallie, be shaddow of Dence lawis [Danish laws], different and more rigorous nor the municipall or criminall lawis of the rest of Scotland; whereby no man of rent or purse mycht enjoy his propertie in Orknay without his speciall favour, and the same deir boght; whereby it followit

[1] Calderwood's *History of the Kirk of Scotland*, v. 345.
[2] Pitcairn's *Criminal Trials*, vol. i. part ii. p. 336.
[3] *Privy Council Register*, v. 153, 195.

that fitchit[1] and forgeit faultis was so devysit aganis manie of them, that they wer compellit be empresonment and small rewaird to resigne ther heritable tytlis unto him ; and geve he [the victim] had a steve [stiff] purse and no rent, then was sum crime devysit aganis him, whereby he was compellit to lose ather half or haill therof, geve not lyff and all besyd. And his pomp was so great ther, as he went never from his castell to the kirk, nor abrod utherwayis, without the convoy of fiftie muscaters, and uther gentilmen of convoy and gaird ; and siclyk before denner and supper, ther wer thrie trumpetters that soundit still till the meat of the first service was set at table, and siclyk at the second service, and consequentlie efter the grace. He had also his ships directit to the sea, to intercep pirats, and collect tribute of uncouth fishers that came yearlie to these seyis ; whereby he maid sik collectioun of gret gunnis and uther weapons for weare, as no house, palice or castell, yea all in Scoltland, wer not furneist with the lyke.[2]

Those acquainted with the "many singular and extraordinary graces" of King James will recognise in this combination of tyranny, knavery, and vainglory a certain family likeness.

The next we hear of our pirate king is the result of a regrettable scandal in his domestic circle. On 24th June 1596 there took place before the High Court of Justiciary at Edinburgh the trial of his brother, John, Master of Orkney, "dilatit [accused] of consulting with umquhile Alesoun Balfour, ane Wich, for the distructioune of Patrik Erll of Orknay, be poysoning." One should have expected King James rather to have rewarded than prosecuted the author of so praiseworthy an attempt : perhaps he was punished for its non-success : anyhow, by express warrant of his Majesty, the Lord Advocate was commanded to "insist in persuit of the said Johnne." By a device peculiarly Jacobean the witnesses were first tortured, to extract the requisite confessions ; and then executed, to prevent the possibility of recantation—*all before the trial of the principal accused!*—procedure well described by Pitcairn as "a most disgusting and frightful instance of

[1] Fitch : to move gradually, as at the game of draughts.—Jamieson.

[2] *Historie of King James the Sext*, p. 386.

the iniquities practised under form of law, which, indeed, would disgrace the most barbarous tribe of Indians." The indictment charges the Master with (1) consulting and devising with the deceased Alesoun how they might bewitch the Earl and " bereif him of life be Sorcerie " ; (2) conspiring with divers persons how to " murthour " him " be poysoning, or otherwayes be craft and quyet dealing " ; (3) hiring the late Thomas Palpla, his " servitour," to administer the poison, " quha tuk the sam in hand " ; (4) arranging with his brother William and others to slay the Earl " att ane Bankynet in David Moncreifis in Kirkwall " ; and (5) designing to kill him in his bedchamber " within the Place of Birza [Birsay] in Orknay." With regard to the confessions of the dead witnesses upon which at the trial the Crown relied, the Master justly objected to the methods whereby these had been extorted. Alesoun Balfour, for example, " wes be vehement tortour of the caschielawis,[1] quhairin sche wes kepit be the space of fourtie-aucht houris, compellit to mak the said pretendit Confessioune. Likeas hir husband, being ane man of lxxxxj yeiris of aige,[2] togidder with hir eldest sone and hir dochter, wer all kepit at anis and at the same instant in waird [custody] besyde hir, and put to tortouris att the same instant tyme ; the fader beand in the lang Irnis [irons] of fiftie stane wecht ; the sone callit in the buitis [boots] with fiftie sewin straikis ; and the dochter, being sewin yeir auld, put in the pinnywinkis [thumbscrews] ; to this effect that hir said husband and bairnis beand swa tormentit besyde hir, mycht move hir to mak ony Confessioune for thair releif." [3] An agreeable instance, this, of the ingenuity of " gentle King Jamie " ! As for the confession of Thomas Palpla, " the same wes in lyke maner

[1] A spiked iron frame-work, fitted over the head and padlocked to a staple in the wall, known as the Witches' Bridle.

[2] The longevity of this old gentleman is remarkable, in view of the fact that he had a daughter aged seven.

[3] Pitcairn, vol. i. part ii. p. 376.

extortit of him, he being kepit in the caschielawis ellewin dayis and ellewin nychtis ; tuyise in the day, be the space of fourtene dayis, callit in the buitis, he beand naikit in the meane tyme, and skairgeit with towis [scourged with cords], in sic soirt that thay left nather flesch nor hyde upoun him ; in the extremitie of the quhilk tortour the said pretended Confessioun wes drawin out of him." [1] Further, in support of his protest, the Master produced the dying declaration of Alesoun Balfour, made " upoun ye Heding-hill of Kirkwall " immediately before her execution, in presence of the parish minister and of divers other reputable witnesses, and certified by a notary public, in which she declared, " be hir pairt of Paradyce," her entire innocence of the matters alleged against her, and how, having been " vexit and tormentit " along with her family, " pairtlie to eschew ane gretar torment and pwneischement, and upoun promeis of hir lyffe," falsely given to her by the parson of Ophir, she confessed her guilt. Thomas Palpla also at the time of his execution " oppinlie revokit " his confession. As it was no uncommon thing in those evil days for the Lord Advocate to threaten a jury that unless they returned a verdict for the Crown they would shortly find themselves out of the jury-box into the dock, it says much for the courage and uprightness of these assizers that after considering the confessions and declarations, they unanimously found the pannel innocent of the whole charges " quhairof he wes accusit," and acquitted him accordingly.[2] Thus cleansed, the prisoner was restored to the favour of his gracious sovereign.

After the tragedy at Perth on 5th August 1600, which on the *ipse dixit* of King James is still called the " Gowrie Conspiracy," the Master of Orkney commanded the troop of horse dispatched by his Majesty on the following day to seize the boy brothers of the slain Ruthvens at the Earl's castle of Dirleton ; [3] but the children, fortunately warned

[1] Pitcairn, vol. i. part ii. p. 376.
[2] *Ibid.*, p. 377.
[3] Calderwood, vi. 46.

in time, had fled to England. Three years later, when James set out to take possession of the English crown, he left the royal family behind in Scotland. Prince Henry was committed to the custody of the Earl of Mar, with strict orders to deliver him up to nobody. "Upon the seventh of May [1603] the queene tooke journey to Stirline, accompanied with some noblemen," including the Master of Orkney, for the purpose of taking her son into her own charge. But my Lady Mar "gave a flatt denyall" to her Majesty's request, and "the queene went to bed in anger, and parted with childe the tenth of May." On her recovery, the Prince, "to pleasure the queene," was by order of the Council consigned to his mother's keeping.[1] When later "his Majesty's dearest bed-fellow" rejoined her consort at Windsor, Queen Anne would no doubt have a word with King James upon the subject.

But it is time that we return to Earl Patrick. We find him still enjoying the royal confidence, for in 1595 he was commissioned by the King to effect a reconciliation between the Laird of Burleigh and Mr Andrew Melville at St. Andrews.[2] With James in London, however, busy about settling himself on his new throne, the Earl felt that he had in his own dominions a free hand, the weight of which the unhappy lieges were soon made to feel. His royal kinsman afforded an admirable model of a feudal tyrant, which, coupled with a natural turn for treasons, strategems, and spoils, enabled him to understudy the monarch to perfection. "This nobleman," says Spottiswoode, "having undone his estate by riot and prodigality, did seek by unlawful shifts to repair the same, making acts in his courts, and enacting penalties for the breach thereof."[3] Like Peacock's Earl of Huntingdon, "whose revenue ran a losing race with his hospitality," Earl Patrick found it convenient to make up the deficit from other folks' pockets; and possession being in that enlightened age

[1] Calderwood, vi. 230. [2] *Ibid.*, v. 381.
[3] *History of the Church of Scotland*, iii. 213.

fully nine-tenths of the law, he was able to deal with the balance by private legislation. Particulars of these "unlawful shifts" will appear when we consider the charges later brought against the Earl in his indictment; meanwhile we may note that Spottiswoode records as one of his humane enactments, that if anyone afforded either help or relief to vessels distressed by tempest or to shipwrecked crews, "the same should be punished in his person and fined at the Earl his pleasure." Readers of *The Pirate* will recall the reluctance of the islanders to save a drowning man as being fraught with danger to the rescuer, a barbarous belief which may owe its origin to this decree of good Earl Patrick. The people of the isles, groaning beneath their intolerable wrongs, presented to the Privy Council and even to the King himself repeated supplications for redress. One should have thought that the high-handed doings of his irregular relative would have been resented by James, as infringing the royal prerogative of tyranny; but he seems to have retained a weakness for his old-time favourite, and used in his behalf every means to delay the just punishment of his misdeeds. Pitcairn tells us that Robert Carr, the infamous Earl of Somerset, who then reigned supreme in the affections of his sovereign lord, "secretly undermined him [Lord Orkney], and embraced every opportunity of blasting his character and fame in the King's estimation."[1] Unfortunately for our Earl, he supplied the Favourite with ample material for his amiable purpose. Sir Walter Scott, in his review of Pitcairn's monumental work, refers to a matter of offence very typical of Jacobean jealousy: "It is said that the king's mood was considerably heated against him [the Earl] by some ill-chosen and worse-written Latin inscriptions with which his father and himself had been unlucky enough to decorate some of their insular palaces. In one of these, Earl Robert, the father, had given his own designation thus

[1] *Criminal Trials*, vol. iii. part i. p. 308.

—*Orcadiæ comes Rex Jacobi quinti filius.* In this case he was not perhaps guilty of anything worse than bad Latin. But James VI., who had a keen nose for puzzling out treason, and with whom an assault and battery upon Priscian ranked in nearly the same degree of crime, had little doubt that the use of the nominative *Rex*, instead of the genitive *Regis*, had a treasonable savour."[1]

In 1606 we read of "the late practise of the Erle of Orkney declyning the judicatorie of the Lords of Secreit Counsell in a mater wherof he was accused, the which was admitted as lawfull."[2] By 1608 this professor of the pure principles of freebootery had undergone, "for a civeill caus," the picturesque penalty known in Scots legal practice as being "put to the horn," but secure in his remote asylum, though theoretically an outlaw, was never a penny the worse. The Privy Council, rebuked by the King for not taking order with the offender, replied that, as James well knew, they had "no forceis to send to Orknay to mak the said Erll conformable"; but "that yf it will pleis your Majestie putt your awne hand thairto, we sall follow."[3] On 6th December James wrote instructing criminal proceedings to be instituted, so Earl Patrick was charged to appear personally before the Lords of the Secret Council upon 2nd March 1609 "to answer to the complaintis of the saidis poore people," and, not compearing on that date, was formally denounced a rebel, with all the pains and penalties attaching to that condition.[4] The Bishop of Orkney was instructed to enquire into the truth of the charges, and to report. Enfin, the Earl, "rustling in unpaid-for silk," came to Edinburgh to answer his accusers, probably relying on the partiality of the King, due to a fellow-feeling for his amiable weakness. The report of the evidence was considered by the Council, but no sentence was pronounced, my Lords waiting "to be

[1] *Quarterly Review*, 1831, xliv. 456.
[2] *Privy Council Register*, viii. 531.
[3] Calderwood, vi. 463.
[4] *Ibid.*, 214, 255.

advised by his Majesty thereanent," and the Earl was meantime committed to ward.[1]

I ever prefer to the dry bones of fact, excavated, not without toil and weariness, from their musty sepulchre in old records, the lively pictures painted by contemporary annalists. In the present case, the anonymous and delectable authority before cited sums up the situation in a single pleasant paragraph :

> The Erle of Orknay was committed to preasoun, first in the Castell of Edinburgh, for dyvers oppressiouns done be him to the Kings subjectis ; and contenewit ther a lang tyme and manie yearis, and was accusit for the same dyvers and sindrie tymes judiciallie, and continewit from tyme to tyme and from year to year ; therefter sent to Dumbarton Castell, and from thence to Edinburgh Castell back agayne ; and being straitlie keapit in the Castell of Dumbarton, sum Lordis of the Secret Counsell wer directit unto him be the King, with offer of ane of his four palecis, viz., ather Halyruidhous, Lithgow, Stirling, or Falkland, with the commoditieis therof, with ten thousand punds of rent, upoun conditioun that he sould renonce all propertie and rycht that he had or could pretend to the Erldome of Orknay in the Kings hand ; whilk he playnlie and absolutelie refusit : wherfore he wes brought back to the Castell of Edinburgh, and ther keapit so strait as could be devysit.[2]

It is eminently characteristic of the justice of James the Just that he should be prepared thus to condone the wrongs done to his subjects and to compound the crimes of the perpetrator in consideration of receiving the Lordship of the Orkneys. In view, however, of the intractable attitude of the Earl there was nothing for it but to bring him to the bar.

Accordingly, on 2nd August 1610, "Patrik Earle of Orknay, Lord Zeitland, etc.," was "dilaitit of certane Tressionable crymes, at lenth specifeit and sett doun in our souerane Lordis Letteris."[3] The charges covered no less a period than twenty-one years, from 1590 to 1610, and embraced a comprehensive catalogue of transgressions,

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[1] Calderwood, vi. 313. [2] *Historie of King James the Sext*, p. 384.
[3] Pitcairn, vol. iii. part i. p. 81 *et seq.*

viz. (1) that the Earl "persewed, accused, proceidit, and pronunced dyverse decreittis and sentences" against certain of the King's subjects named, "accoirding to lawis tressonabillie maid and practized be him selff, direct contrair and repugnant to the lawis of our realme and Actis of our Parliament, maid be us and our maist noble progenitouris, Kingis of this our realme"; (2) that he induced certain gentlemen of Orkney and Shetland to enter into a mutual "Band," whereby they bound themselves to serve and maintain him (the Earl) "aganis quhatsumevir persones, without reservatioun of us," and that "under the pane of tynsell [loss] of lyfe, landis, and guidis," and further undertook to be judged by him alone, "and nevir to seik to King, Counsell, nor Sessioune"; (3) that having accused and convicted of divers crimes certain of the lieges before his pretended courts of judicature, he usurped the royal authority "be remitting to thame [like old Trapbois, 'for a consideration'] the saidis capitall crymes, quhilk no man hes power to do within this our realme bot the King and souerane of the same"; (4) that "the said Erle, bereifing our faithfull subjectis of the benifeit of our pease and generall protectioune, and the fredome of thair travelling and traffique be sea and land," had closed the ferries of the isles, that none might pass without his express licence, and "did incarcerat in stokis and irnes [stocks and irons] dyverse days and oulkis [weeks]" sundry ferrymen who had transported unlicensed passengers; (5) that he compelled the tenants of the landed gentry "to work to him all maner of work and laubour be sea and land, in rolling [rowing] and sailling his schipis and boittis, working in the stane-querrel [stone quarry], wynning and beiring stanes and red furth thairof, laidning his boittis and schellopes [shallops] with stane and lyme, and loiseing the same, biging [building] his park dykes, and all uther soirtis of serveill and paynefull laubour, without aither meit, drink, or hyre": the unhappy natives were in fact reduced to the condition of galley-

slaves or of Christian captives in Barbary—only paralleled by the "Egyptian bondage and oppression of the children of Israel under King Pharaoh"; (6) that the Earl subjected them to "dyverse grit and exhorbitant taxationes and impositiones, *quhilkis* [which] *na man may lauchfullie do within this our realme bot We, of our souerane power*"—a deliciously naive touch!; and (7) that he forbade the people "to by or sell meill, malt, meit, drink, fische, flesche, butter, nolt, scheip, or ony uther commoditeis, without his Licence, under grit penaltieis," which were exacted against them "with all rigour." In short, the domestic policy of Earl Patrick reminds one of the Puritan programme in *Haddon Hall*:

> No cock should crow, no bird should sing—
> Naebody suld dae onything—
> Without our licence, sealed and signed :—
> For we wad dominate monkind—
> If we but had our way!

From these arbitrary doings it was not unreasonably inferred that the Earl "hes committed Treasone aganis Us," and should be punished accordingly. The "dyet" [trial] was by order of the Council continued to 9th August, on which date it was further postponed to the 16th, then to 22nd November, to 19th December, to 8th March 1611, and finally to "the fyftene day of May nixtocum"—a pleasing and convenient term; after which we hear no more about it. Earl Patrick, protesting against these repeated delays, was "returnit back agane to his waird."

But for the clamant outcries of his victims and the notoriety of his misdeeds it is improbable that any effort would have been made to bring this insular potentate to account, the discriminative justice of the Scottish Solomon being very tender to the mighty. Had the Earl been a simple countryman who stole a hen, he would have been "hangit" out of hand; had he been a mere burgher who in his cups spake despitefully of his prince, his tongue would have been plucked out and his right hand stricken

off; had he been some daft old wife with a taste for pharmacy, he would have been "wirriet at ane staik and brynt in assis" for witchcraft; but being a great nobleman and the King's cousin-german, more merciful methods prevailed.

It was an agreeable feature of the judicial system employed by this tolerant and enlightened monarch that influential malefactors might evade the consequences of their crimes by finding sufficient security for their appearance at the bar when required. If they failed to come, the money was forfeited to his Majesty's use, and everyone—except the cautioners—was satisfied. On his surrender in 1609, Lord Crawford became the Earl's surety in £20,000 that he should keep ward in Edinburgh and the Canongate. When later he was committed to the Castle, Lords Gray and Blantyre became his cautioners to the like amount, and the Earl, taking in presence of my Lord Bishop of Orkney his great oath not to attempt escape, had "now gotten liberty to be at frie waird."[1] The honourable captive, notwithstanding, made repeated efforts to regain his freedom; so a warrant was issued for keeping him in close custody, and he was later removed to the Castle of Dumbarton as a securer prison. In 1612, as already mentioned, he declined to relinquish his rights to the King and refused all offers of settlement. In 1613 milder treatment was tried: he was brought back to Edinburgh and allowed an aliment of "4 lib. Scotts per diem," but even this princely provision failed to soften his obdurate heart, and he returned a prisoner to Dumbarton.

And whill he yit remaynit in Dumbarton [says our old authority] he directit his page with a letter unsubscryvit with a message to his sone Robert and certan uthers, to keap and menteyne the Castell of Kirkwall in Orknay with sik defence possible, aganis all that wald or could assaill the sam. This boy therefter past in Flanders for fear of tryall, bot was broght bak agayne be the Kings procurement, to serve for a proof aganis his maister. And now becaus the said Erle wald

[1] *Privy Council Register*, viii. 323.

nocht condiscend to resigne (albeit he was drownit in debt and the Kings Majestie maid assignay therunto be Sir Johne Arnot of Berswick, knycht), and the King sufficientlie instructed in all, it pleasit the Counsell of Scotland, at his Majesteis command, to accept and allow of the Erle of Caithnes to pas with all instruments of invasioun aganis the said castell of Kirkwall, whilk he invaydit so fearcelie, as the keapers gave over; and so he conveyit sindrie preasoners therfra, as naymlie the said Robert, then Capten, and dyvers uthers, and conveyit them to Edinburgh, wher they wer tryit befor the Secret Counsell for their attemt, and sum of them confronted with the said Erle, and so fand him giltie.[1]

The indefatigable labours of Pitcairn have accumulated a mass of documents illustrative of the incident known to history as The Rebellion in Orkney. These include, over and above the records of the trials of Earl Patrick and his "base sone," Robert Stewart, and their retainers, original State Papers: dispatches, examinations, confessions, and correspondence relating to the affair.

Robert Stewart and his accomplices were brought before the High Court on 5th January 1615, "dilaitit of the Tressonable taking and surprising of his Majesteis Castell of Kirkwall, Kirk, and Steiple of Kirkwall; tressonable resisting of the Erle of Caithnes, his Majesteis Lieutennent; and utheris tressonabill crymes."[2] From the voluminous indictment in which these trespasses are set forth, and from the illustrations above mentioned, we learn the following facts. The King, owing to Earl Patrick's contumacy, had appointed as chamberlain of the isles the Sheriff of Orkney, Sir James Stewart of Killeith, who occupied his "haill Palices, Houssis, Castellis, and Strenthis within the samyn," and uplifted for his Majesty's behoof the revenues of the earldom. It seems that Robert, who is boldly designed "The Bastarde,"[3] had inherited the family taste for perjury, as, having sworn upon his "grit aithe" before the

[1] *Historie of King James the Sext*, p. 385.

[2] Pitcairn, vol. iii. part i. p. 273 *et seq.*

[3] Earl Patrick's lawful nursery was unfurnished: by his wife, a daughter of Lord Livingstone, he had no issue. The lady was the widow of Lord Justice-Clerk Bellenden, and thus came to have some experience both of bench and bar.

Council not to set foot in Orkney without his Majesty's licence, he conspired with his father to recover their *paupera regna*, and in May 1614 embarked, unlicensed, for the North. Associated with him in this Orcadian enterprise was one Patrick Halcro, whose name is pleasantly reminiscent of the enthusiastic admirer of "glorious John." He and his accomplices surprised and took the place of Birsay, "violentlie expellit furth thairof Barnard Stewart, Keiper of the samyn," and fortified the house "to the number of threttie [thirty] persones, bodin [equipped] with hagbutis, muscatis, poulder, leid, and uther maner of weirlyk preparatioun." When Mr. John Finlayson, the Sheriff-depute, supported by "the best affectionat gentilmen and cowmonis [commons] of the cuntrie," invested the place of Birsay and summoned by sound of trumpet the defenders to surrender under pain of treason, instead of complying with this reasonable request they fired "dyverse schotis" at the Sheriff and his company, who, "being unwilling to encounter [the rebels] be way of deid," prudently returned to Kirkwall. For a month the Bastard continued unmolested in Birsay, maturing his plans for a more important move: "the tressonabill intaking and manning of the Kirk and Steiple of Kirkwall, the Castell thairof, and Place of the Yairdis." His scheme further embraced "the slauchter and ruiting out of the Schereff, the Commissar, and sic as wald tak pairt with them." In pursuance of this amiable purpose, by means of "musteris and wappone-schawings" in the district, Robert raised a force of "nyne-scoir persones" whom he maintained, duly "furneist and airmit," in and about the place of Birsay, "quhair they war feistit and bankettit" to keep them in good heart. For further security the responsible conspirators were required to enter into "ane Band," whereby they undertook to defend at the hazard of life and goods the Bastard as their captain, which was "subscryvit be sa mony as could wryte," these accomplished plotters adding to their signatures the words "to the dethe."

Meanwhile Robert the Bastard had communicated to his venerable parent, then impatiently awaiting in Dumbarton Castle the issue of his embassage, the news of the taking of Birsay. "The Devill stick him!" cried his irascible sire, as reported by the "Poist-boy" who conveyed the letter; "he might haif tane ane better House! The Devil stick his foollis head! he might haif mellit [joined battle] with the Scheref-depute, and yf he had maid him quyte of him, he wald haif had lesse ado!" His lordship further observed that if he, Robert, had attacked the Castle of Kirkwall "the Keeparis thairof wald haif delyverit the same to him, becaus they wer the Erllis auld servandis." So the post-boy went back to Orkney with a letter from the Earl to his son, of which we shall hear again.[1]

When everything was in train, on 17th July the Bastard, with thirty men, set out for Kirkwall "of intentioune to have assailzeit the said Schereff within his ludgeing"; but being disappointed of their prey—that functionary having sought shelter in the Castle—they "reteirit them selffis bak agane to Birsay." Robert then mustered his whole force and "under clud of nycht surpryset and tuik in the Kirk and Steiple [of Kirkwall], whilk they furneist with men, munitioun, poulder, bullet, and uther necesser provisioun for halding and keiping of the said Steiple." Next day the rebels invaded the town "in oppin and arrayit battell, with sounding of trumpettis, streking of drums, schuiting of muscatis, in signe of triumph and victorie, and all uther weirlyk advancement." While this demonstration was taking place Patrick Halcro and others of the "rebellious troupe" held the steeple, whence they fired at everyone "that durst kithe in zour contrair" [take part against you, *i.e.* Robert]. The victorious company next "assaget" the Castle, which after a brief resistance was rendered by the garrison, "thay being bot a few number,"

[1] Deposition of Duncan Mitchel, "Poist-boy in Edinburgh."

and secured the person of the Sheriff. They then invaded the dwelling-house of Bernard Stewart, late governor of Birsay, "and tuik him violentlie and aganis his will furth of his bed." The prisoners "war keipit in strait firmance and captivitie," and were afterwards confined aboard a vessel "to be brocht South"—apparently as hostages.

These singular transactions "cumming to the eiris of his Majestie," he appointed George, Earl of Caithness, as his Lieutenant and Commissioner "to pas over with forces to the said cuntrie of Orknay" and take order with the rebels. Well provided with men and munitions for that purpose, his lordship, "in twa schipis and ane pinnadge," embarked upon the enterprise. The expedition reached Orkney on 23rd August, and next day the rebels were duly summoned by herald, notaries, messengers, and witnesses to lay down their arms and submit to the royal authority. But the Bastard, who doubtless owing to the uncanonical character of his birth, was no believer in forms and ceremonies, seized the sacred person of the herald, whom he "most injuriouslie and dispytfullie abused," took away his warrant, and cast him into prison. Having thus burnt his boats, Robert retired into the Castle and defied the Earl to do his worst.

The history of the ensuing campaign is detailed with much minuteness in the dispatches of Lord Caithness to the Privy Council at Edinburgh.[1] On the 25th, says his lordship, "we landit the battering peice with hir careage," which with great labour and difficulty was drawn towards the town and "planted at Weyland, within ane half quarter myle to the Castell." The rebels fired their guns, the royal "Cannoners" replied; the second shot beat down a turret, "to the great terrour of the Traitouris," and three more "did all hit, bot not hurt so muche." A spirited sortie by the holders of the fort was met by the besiegers, who "did compel theme to retreat schamefullie." In

[1] Pitcairn, vol. iii. part i. p. 286 *et seq.*

this encounter some of the "pressed poore menne of the countrey" took occasion to desert to the King's side. That night the royal troops were in possession of the town and the rebels were all "inclosed in their holdis."

The enemy, as his lordship found, was "most obstinate, and maliciouslie resolved to hold out to the deathe"; he was short of both victual and munitions necessary for a prolonged campaign, and had to await the forwarding of these from Edinburgh. Meanwhile the desultory warfare continued, not without occasional casualties; for instance, in one dispatch Caithness reports his losses as four killed "this last dayis skirmische." His lordship felt a personal interest in the issue of the affair: "Befoir his Ma^tie^ were not repairit to his honour be all the lyffes of thir bluidie Tratoures that is within this divilisch Castle, I wald rather be buried," he writes; and indeed the situation was provocative of some natural annoyance. He has made divers prisoners, whom he purposes to hang "for ane exemple to uthers." Finally, on 29th September, "the great Peice of Ordinance" having done its work, the rebels surrendered upon conditions—of what nature and how implemented we shall shortly see. The victor thus communicates to the Secretary of State the gratifying intelligence:

The penult of this instante it hes pleasit God of his mercie to end this service in my hands. The House is myne, Robert in my hands, and all cumed to me except Patrik Halcro, quhom as yit I have not seine. All is cumd to his Mat^ies^ honour, praisit be God. I have sex slaine to me; many hurte. The souldier I wraite was hurte is dead. I will assure your lo. it is one of the strongest Housses in Breitane; for I will bring with me to your lo. cannone billetts, both brokkin lyk goulfe balls upoune the Castelle, and clovin in twa halffis.[1] I could not till now enter withe extremitie with the followars of Robert till I was maister of the

[1] "Lord Caithness describes the cannon-balls at the siege of Kirkwall as breaking in two, 'like golf-balls.' Now a feather golf-ball, such as was used in the eighteenth and early nineteenth centuries, cannot break into two fragments, as a gutta-percha or wooden golf-ball does. Hence we may infer that the golf-balls of King James's reign were wooden."—Lang's *History of Scotland*, II. 555.

House, for fear of making more adoe, seing the House was so strong; bot now I sall not be slaw to puneische seveirlie, to mak exemple to uthers to play the lyk. Presentlie I am going to drink his Mat^ies good healthe upoune the Castell heid.[1]

On 1st October Caithness, writing to inform the King of this happy issue out of a tight corner, claims no greater reward for his services than "to haife that honour as ane kise of your Majesties most grasius hand." It is on record, as an historical fact, that James never washed his hands, so that "grasius" is no appropriate adjective and the "honour" must have been rather an unsavoury one.

On 6th October the Bishop of Orkney advises the Secretary that "Robert [Stewart] and Patrick Halcro ar transportit this day to be exhibite to your lo. The rest ar keipit prissonars in the Castle." The Bishop attributes the delay in bringing the rebels to book to the untoward character of the local climate: "the winds, hailes, snaws, raines, ar so extraordinarie in thir places, that all had bene done and accompleissed befoir this day, give [if] it had bene possible." Apart from the inclemency of his tempestuous diocese the unhappy prelate had but a rough time of it. James, in restoring the Scottish bishops to the titles and outward form of their old prerogatives omitted to provide them with the ancient temporalities pertaining to their sees, which at the Reformation were acquired by the Crown and by the more pious and powerful barons. Thus these "poor episcopal personages," though permitted to call the tune, found nobody to pay the piper. The revenues of the see of Orkney were "administered" by our noble friend Earl Patrick, and the consequent grievous case of the lord spiritual is set forth by himself as follows:

I am wearied with much travail; my means are wholly spent; my debt is unpaid; my losses are so great that I cannot see how to recover any part thereof; and I am not able to hold out any longer, but must

[1] Pitcairn, vol. iii. part i. p. 289.

needs either depart the country for debt, or beg—which I am ashamed to do—or apply to some other thing to maintain me, if his Majesty, now shortly after so long time, take not order with me.[1]

That George, Earl of Caithness, was a most fit and proper person to represent his sovereign lord King James appears under his own hand, for writing on 7th October to the Secretary he explains that he had arranged with Halcro the surrender of the Castle, "upoune conditioune I sould promeise him his lyffe—quhilk I did." And then he adds with a cynical atrocity well nigh unparalleled, "*I luik that my word and promeis gevin to Patrik Halcro sall not be fulfillit. Befoir it wer, I rather be in my grave*"! The rest of the prisoners he undertakes "salbe hinged within twa dayis at the Castell yett [gate]." This promise at least his lordship saw his way to keep. "Since the service is done," he concludes, "I have no pleasour to byd heir, for the wedder is both evill and varient, and so is the people; for he that wald rewle heir hes both neid of wit and manneheid, and manie earis and eis." This cold-blooded and perfidious nobleman was, as we have seen, equal to the job. He was no novice in the arts of treachery and breach of trust, as appears by his betrayal of his kinsman the Lord Maxwell, "wanted" for the slaying of the Laird of Johnston in 1608, whom he (Caithness) lured to Castle Sinclair with an offer of shelter until he could escape abroad, and then delivered up to the Crown authorities.[2] There long had been bad blood between the Earls of Caithness and Orkney, and it appears that the former sought the command against the rebels from motives of private malice. An amusing instance of how the rival peers conducted their disputes is worth recalling. Some of Lord Orkney's men were forced by stress of weather to land in Caithness; this is how they fared:

First, the Earl of Catteynes maid them drunk; then, in a mocking jest, he caused sheave the one syd of their beards and one syd of their

[1] Hill Burton's *History of Scotland*, v. 459.

[2] Pitcairn, vol. iii. part i. p. 32.

heads; last of all, he constrayned them to tak their veshell and to goe to sea in that stormie tempest. The poor men, feareing his farther crueltie, did choyse rather to committ themselves to the mercie of the senseles elements and rageing waves of the sea, then abyd his furie. So they entered the stormie Seas of Pentlay-Firth (a fearfull and dangerous arme of Sea between Catteynes and Orknay), whence they escaped the furie thereof by the providence and assistance of God, who had compassion on them in this lamentable and desperat case, and directed their course; so that they landed saiflie in Orknay.[1]

Caithness, as a good Protestant, was obviously inspired by the example of Hanun in the matter of David's messengers.[2] Both their lordships went to Edinburgh "to informe one against another," but by the mediation of friends their difference was settled extra-judicially, "*least they should reveile too much of eithers doings.*"

I must apologise to the Bastard for leaving him so long at the bar. His shrift, however, was short. The prisoner's objection that some of the jury were "servandis [retainers] to my lord of Caithness" was over-ruled, on the Gilbertian ground that his lordship "had na particular [grievance] of his awin aganis the pannell"; the Lord Advocate proved his case out of the mouths of many witnesses; the assize, "all in ane voce," found the accused guilty of the crimes charged; and the Lord Justice passed sentence of death.

We learn from a contemporary historian that the cannon used by the royal forces in the Orcadian campaign had been brought in triumph "up the streete of Edinburgh, and the keyes of the castle of Kirkwall about their mouths, with sound of drummes, trumpets, and shotts of ordinance of the Castle, upon the 23rd of November [1614], and layde in their owne places within the Castle." The castle of Kirkwall, he tells us, was demolished by the King's command. The same authority gives the following account of the Bastard's execution:

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[1] Gordon's *History of the Family of Sutherland*, p. 258.

[2] *Cf.* 2 Samuel x. 4.

Upon the 6th of Januar 1615, Robert Stewart, sone naturall to the Erle of Orkney, with other fyve of his complices, convicted of treasonablie taking, keeping, and defending of the castle of Kirkwall, and other strengths in Orkney, were hangit at the Mercate Crosse of Edinburgh, and died penitent. The said Robert confessed his father the erle, who then was wairdit in the Castle of Edinburgh, commandit him to doe that which he did ; but granted he gave him a contaremand before he entered in execution. The gentleman, not exceiding twentie-two yeirs of age, was pited of the people, for his tall stature and comlie countenance.[1]

No time was now lost in disposing of the only begetter of Robert and his rebellion. On 1st February 1615 Patrick, Earl of Orkney, was at long last brought to trial in the Tolbooth—that august structure of retributive Themis—for those crimes of "Tressone and Lese-Majestie" of which we have heard so much. The Lord Justice, Sir William Hart of Prestoun, presided ; his "assessouris" [assistants] being the Chancellor, Lord Dunfermline ; the Secretary, Lord Binning, and seven others, "all Senatouris of the College of Justice." The Lord Advocate, Sir William Oliphant of Newtoun, appeared for the Crown ; Mr. Alexander King and three other advocates, by special warrant of the Privy Council, conducted the defence. The accused rested his case on a general denial that he had either authorised or instructed his son "to practize the Rebellioun lybellit" ; he had "upone mere ignorance and simplicitie" sent him to the North to look after his Orcadian interests. "And thairfoir, fleing fra all forder defence of his awin innocencie, hes his refudge to his Majesteis grace and mercie." This "refudge," as we shall find, proved inadequate. The Crown relied on the depositions of witnesses who had participated in the rising—practically the same testimony upon which Robert was convicted,—together with documentary evidence, including the "Band of Association" ; a charter of lands in Orkney in favour of Patrick Halcro, granted by the Earl in consideration of his taking part in the affair, "albeit that cause be nocht

[1] Calderwood, vii. 192, 194.

expressit in the said Charter" ; the judicial examination of Earl Patrick before the Privy Council ; and his letter to Robert, sent by the hands of Duncan Mitchell. This letter did not contain anything much to the purpose ; but several of his servants swore to other letters written by him to his son, which left little doubt as to the Earl's complicity, and showed him to have been the instigator of the plot. Indeed, the hapless Bastard seems to have been one of those whose greatness is thrust upon them, and but for his truculent and domineering sire, he would never have embarked upon the adventure. When warned by a friend " that the Erll had no uther course [purpose] bot to bring him [Robert] to the scaffold," the latter, " waging his head, with a grite sighe, ansuerit, ' I feare it salbe swa ! ' "

The Hon. James Lyon, " base sone to the Master of Glammis,"—the Scots nobility would seem to have been at that time strangely lacking in legitimate issue—disclosed how he was persuaded by Earl Patrick to further his escape from Dumbarton Castle, so that he might go to Orkney and personally take a hand in the game. At a consultation " upoun that subject at the Toun of Leithe, on the Linkis," between young Lyon, Michael Mair, my Lord's secretary, and the Laird of Cluny, it was resolved " to tak him [the Earl] ouer the wall by a cord, and ane instrument or irne [iron], which the depouner [witness] causit mak ; and Mr. Michaell promeisit to prepair the tow [rope]." When this engine was completed, and horses were provided for the flight, Lyon rode to Dumbarton and sent word by Michael to the captive that " all thingis wer prepairit and in reddynes for his eschaiping."

And then the Erll began to fant [faint], and maid choise rather to suborne the Portair nor [than] to haisard to come ouer the wall ; and so delt with the Portair upoun that subject ; who reveillit the same to the Laird of Buchannane, who had the charge of the House for the tyme.[1]

[1] Pitcairn, vol. iii. part i. p. 324.

It is not surprising, to anyone who knows the Rock of Dumbarton, that the Earl had qualms about being let down that beetling and precipitous crag in the dark, hooked on to the end of a rope ; but his would-be rescuers deemed his reluctance to embrace their scheme a reflection on their ingenuity, and with the vanity of inventors resented his defection. Lyon continues :

that at Martymes in the yeir foirsaid, the said Mr. Michaell Mair come of new to the depouner, he being in the heade of the Cannogait for the tyme, with a commissioun frome the Erll to come West to him agane to Dunbartane. And the depouner refuesit to go West, saying, that " he wald mell [meddle] no forder with the Erll, nor in nane of his courses." To whome Maister Michaell ansuerit, " I see this man (meaneing the Earle) hes not the grace of God in him ; I will lykewayis haif no forder dealling with him." [1]

The Earl's anxiety for the welfare of his neck was natural, and his advisers appear to have been unwarrantably touchy.

The result of the trial was a foregone conclusion ; the pannel was found guilty and sentenced to death, " and all his landis, lordschipis, leving, heritages, takis, steidingis, rowmes, possessiones, offices, digniteis, rentis, guidis, and geir, to be fforfalt and escheit to our souerane lordis use." Calderwood records that " it was thought that if he had not twentie dayes before confessed that he was the author of the said rebellion and come in the King's will for the same, that hardlie could he have beene convicted by anie law. The wiser and elder sort of the nobilitie withdrew themselfs from his assise.[2] He had sent to the Court to obtaine favour, but noe appearance of returning anie answeir." The same authority gives the following account of the Earl's end :

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[1] Pitcairn, vol. iii. part i. p. 324.

[2] The Marquess of Hamilton, the Earls of Angus, Montrose, Murray, Kinghorn and Home, the Lord Loudon, and ten others, knights and gentlemen, were fined for non-appearance when called to act upon the jury.—Pitcairn, vol. iii. part. i. p. 318.

The ministers finding him so ignorant that he could scarse rehearse the Lord's Prayer, intreated the Councel to delay his execution some few dayes, till he were better informed, and receaved the Lord's Supper. Their petition was assisted with the requeist of some noblemen, and granted. So he communicate upon the Lord's Day, the 5th of Februare, and was beheadit at the Mercate Crosse of Edinburgh upon Monday, the 6th of Februare.[1]

We read that "when Sir Robert Ker, Erle of Rochester, was decourted [*i.e.* fallen out of favour], the King layde the blame of his [Earl Patrick's] death on him; but too late, as his custome was, when maters was past remedie." Just like James! "It is observed," concludes our author, "that this moneth [February] is fatall to the King's blood."[2]

One is glad to learn that despite the good wishes of Lord Caithness—whom Mr. Andrew Lang describes as a notorious ruffian—Patrick Halcro, alone among the captured rebels, was suffered to escape with his life. King James was the last man to pardon lèse-majesté, but the Council recommended Halcro as a fit object of the royal mercy, in respect that by rendering up the Castle when he did, he saved more trouble and bloodshed. It is surprising to find that "this Patrik was afterward in great favour with Earle George [Caithness], and weill interteyned by him for this service."[3] Presumably Halcro was ignorant of the anxiety which his lordship had earlier displayed when writing to the Government that he (Halcro) should be hanged at sight.

I cannot do better, in closing this brief memorial of the fortunes and misfortunes of the Pirate King, than quote, from the review by Sir Walter Scott before cited, a passage which points the moral of my tale and supplies our hero with a fitting epitaph: "Earl Patrick himself

[1] Calderwood, vii. 195.

[2] On 20th February 1436 James the First of Scotland was assassinated at Perth; on 9th February 1567 Darnley was murdered at Kirk-o'-Field; and on 8th February 1587 Mary, Queen of Scots, was beheaded at Fotheringhay.

[3] Gordon's *History*, p. 301.

seems to have been but a dull monster in the article of apprehension. A clergyman, from whom he demanded an inscription for his already mentioned tower of Scalloway, supplied him with the following quotation from Scripture —' The house which is built on rock shall stand, but that founded on the sand shall perish.' The earl adopted the inscription, and had it labelled on the portal of the tower, where it is still to be seen. ' My father,' said Earl Patrick, ' built his house at Sumburgh on the sand, and it has given way already ; this of mine on the rock shall abide and endure.' He did not or would not understand that the oppression, rapacity, and cruelty, by means of which the house arose, were what the clergyman really pointed to in his recommendation of a motto. Accordingly, the huge tower remains wild and desolate—its chambers filled with sand, and its rifted walls and dismantled battlements giving unrestrained access to the roaring sea-blast." [1]

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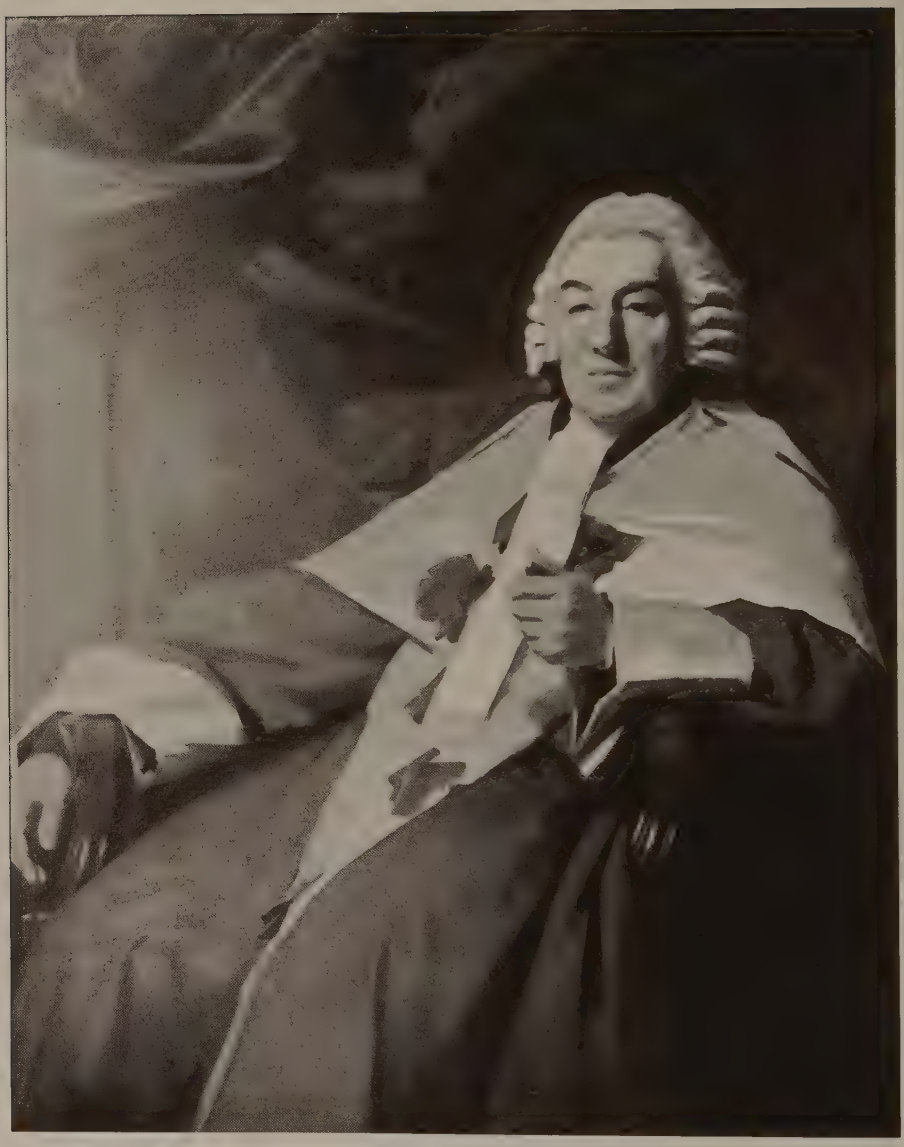
[1] *Quarterly Review*, xliv. 457.

LORD DUNSINNAN'S SPECTACLES:

A LEGAL FICTION



LORD DUNSINNAN.

(From the portrait by Raeburn in the Parliament House, Edinburgh.)

LORD DUNSINNAN'S SPECTACLES:

A Legal Fiction.

I.

I have had a most rare vision. . . . The eye of man hath not heard, the ear of man hath not seen, man's hand is not able to taste, his tongue to conceive, nor his heart to report, what my dream was.

A Midsummer-Night's Dream.

ONCE upon a time I was spending certain spring days with a friend of mine in his Highland home among the braes of Angus. The house stands on a bastion of the hills, facing south, and beholds, as it has done these many generations, the pleasant prospect of Glenisla, that pastoral and fair champaign. On the one hand rise the battlements of a ruined fortalice, which, beleaguered by the forces of nature, is slowly yielding to assault, having long and stoutly withstood the siege of mortal enemies; on the other, the bright waters of Isla hasten to keep tryst with Tay. To the northward—remote, austere, and snow-crowned—the grey ramparts of the Grampians guard the high places of the glen.

My host and I were both bounden to antiquity, lovers of the ancient admirable ways. I had great delight in going over his relics of former times, and of the forgotten folk who in a bygone age had occupied—doubtless more handsomely—our seats. There were bundles of domestic papers, letters, and household accounts, frayed and dusty, the ink of a faded brown, but full of matters curious and interesting. As my friend read aloud passages from them

in the gloaming, one half expected that the family portraits on the wall would step down from their frames, like the ghostly ancestors in *Ruddigore*,. to play their part in the performance. On such an evening the eighteenth century was in the air of that antique parlour. Almost am I persuaded that I sensed snuff and hair-powder, heard the rustle of silk, the creak of a farthingale, the tap of little heels upon the floor, and—to this at least I can make oath of verity—tasted from a venerable rummer a veteran usquebaugh. Yet I had arrived at these enchanted halls but a few hours before by the incongruous agency of an automobile! And when my host, leaving me for a space alone with his treasures, reappeared, clad in the glowing tartan of his clan: the full Highland dress—kilt, plaid, doublet, hose, and bonnet—such as might have been worn by some forebear of the Forty-five: the illusion was complete.

The papers which he read to me were rich in quaint particulars of old years. Rather touching was a love letter, written from Edinburgh in March 1766, by a forlorn damsel to her Scots lover in Dantzig. In those spacious times private correspondence was not conducted by the casual and scrappy scrawls wherewith we are wont nowadays to sustain our interrupted friendships. This, for instance, was a portentous affair, extending to four closely-written folio pages, having more the aspect of a lease than of a *billet doux*, which must have taken long to write. She seems to have been prevented by some urgent duty from uniting her fortunes with those of her betrothed abroad, and in consequence had suffered both in mind and body, despite the skilled attention of "your worthy friend Doctor Alexander," by whom the bereaved maiden had been "blooded, blistered and vomited often, besides many other medicines." Yet of these fearsome ministrations she remarks in a spirit truly Christian: "If I don't recover, he is blameless." She was expecting a "much long'd for Epistle":

I went to every Leith Stage in Edin^r. & inquired if there was any word for me; but finding none I next apply'd to the drivers, to see to procure my letter at Richy's or elsewhere & promis'd to pay them well for their trouble. One of them succeeded so well as to bring it me at eleven at Night & made me as happy as I was capable at that time of being.

Let us hope that, escaping the effects of Dr. Alexander's "asiduity," the lady survived to marry her lover. Poor Jenny Campbell! Fancy being bound by an etiquette that required you to subscribe yourself to your affianced: "Your Most affec^t. Friend & very humble Servant"!

A journey to Dantzig in those days was a serious adventure, as appears from the following letter relative to our traveller's embarkation:

I was at Leith on Friday last. The Dantzig man told me that as he waited a spring tide, it would be Friday nixt before he could get out of the harbour; and if the wind were contrair, it would be several days before he sailed. He says freight for a cabin passenger will cost 4 guineas. I would advise you at any rate to embrace this opportunity, as its ten to one if another goes to that place this year. I know there is one at present at Borrowstounness, but whether she goes to Dantzig this season is verry uncertain. So I think its possible for you to be in Leith on Friday first and agree with the Cap^t, and if you need any thing done, then he might be prevailed to wait a day or two upon you. As to Baron Reid, I saw him in town some weeks ago. Peter Ogilvy has got a reprieve for another fortnight.

EDINBURGH, 7th Oct^r 1765.

Who Peter or Patrick Ogilvy was—the names in Scots use are interchangeable—we shall see in the sequel.

The exiled Strephon himself was not exempt from the ills that flesh is heir to, as appears from the advice given by his friends, professional and lay, for alleviation of his complaints. Thus a kinsman, writing from London in August 1770, is of opinion that his symptoms point to "a translation of something of the gouty or rheumatic kind," and says that Sir John Pringle concurred in that diagnosis.

As this may be the case, you ought by all means to keep the lower extremities warm, by wearing always a pair of stout stockings, with the addition of a pair of flannel socks for your feet. These last you should wear all night, covered with another pair of what is called oiled cloth, and made so large as to tie by means of a string fastened to them, above the ankle. If the oiled cloth cannot be had in your part of the world, two large cows' bladders, opened in such a manner as to receive & cover your feet properly, may supply their place. Such an apparatus as this, by promoting as it will do a large amount of perspiration in the lower parts, may have a very happy effect in relieving your breast, &c.

An exhaustive account of his symptoms, written by the patient himself, having been laid before Sir John, that eminent authority advised that he " should every morning drink a pint of Cow Milk warm from the Cow, w^{t} a Desert Spoonful of Rum in it "—a comfortable counsel ; " to live intirely on Milk & Vegetables, to drink no Malt Liquor nor Spirits ; and ordered a Squill Peel, mixed w^{t} an Opiate." Subsequently the patient reports :

Excepting the Peel, I had previously tryed this Prescription ; however I tryed the Whole of it, and as to the Peel it served only to stupify me with Sleep & drouseness. The warm milk I found agreed with me much better without Rum than with it.

On returning to his native glen the invalid put himself under the epistolary treatment of Dr. John Ogilvy of Forfar, a physician of high local repute, who was one of the skilled witnesses in the celebrated case of Katharine Nairn aftermentioned. The following letter of the doctor is interesting as an example of the medical methods of his time :

Dear Sir,—I'm fond you're in some degree better & think you ought to continue the use of the Mares Milk whilst the Grass keeps its strength, as no Medicine can be ordered to interfere with it for fear of offending your Stomach—a very material point. After this some pectoral can be ordered to assist your shortness of breathing, &c. Riding above every thing persue. Chirn'd or commonly call'd butter milk upon Occasions by way of Diet will be of service. The pain in your Ear and Teeth can

have no connection w^t your real Disease—probably from a Rotten Tooth ; however, receive a Blister, to be apply'd under the Ear of that side, to be dressed after with Kale Blades. Why could you not risque seeing me, the weather admitting ? Mrs. Ogilvy offers you her kindest complements & hearty wishes for your health.

Horse-exercise as a remedy for breathlessness, and the soothing properties of cabbage leaves, are new to me. Whether or not the patient took the " risque " of facing his physician in the flesh is unrecorded.

Another member of the family, who had gone to the seaside for his health, writes to his mother in August 1790 from Manse of Lunan, near Montrose :

I arrived here on Tuesday afternoon a good deal fatig'd after my ride. I find myself much better for the Bathing, which I use evening & morning. I have drunk the salt water, but it does not ffisik me. However, the Bathing has dispeled all my Complaints and I sleep as well as ever. I am very lucky here for both soul & body, as Mr. Gowans Sacrament is on Sabbath next, when I mean to Communicate. I propose setting out to Montrose this day in a Bote in order to see that place. If the sea Bathing continues to answer so well I will be home on Tuesday evening.

This " cure," besides proving more efficacious, is pleasanter than Dr. Ogilvy's blister and Sir John's " Peel."

Apart from what may be termed the internal affairs or inner history of the family, there were other papers of more general interest. One fair correspondent of the house has even achieved the conditional immortality of print: Miss Janet Schaw of Edinburgh, who, accompanied by her brother and attended by her maid, sailed from the Firth of Forth on 25th October 1774 in the *Jamaica Packet*, bound for the West Indies. The account of her experiences and adventures, which she wrote for satisfaction of her personal friends, discovered a century and a half later, was published in goodly format for the entertainment of posterity.[1]

[1] *Journal of a Lady of Quality ; Being the Narrative of a Journey from Scotland to the West Indies, North Carolina, and Portugal, in the years* 1774 *to* 1776. Edited by E. W. and C. M. Andrews. New Haven : Yale University Press, 1921.

Unlike some alleged productions of fashionable pens, the authenticity of the Journal is beyond dispute. Not only does it make delightful reading, but, as throwing light upon Scottish-American colonial history, it is claimed by its editors to be of unique value and importance. My host read to me several unpublished letters of this so gifted and charming gentlewoman, but I must limit myself to a single excerpt from one of them, as a sample of her epistolary style:

I never saw the Town so dull as it has been this winter, nor need we be at a loss for the reason, when we consider what a damp the many failures of people of note has cast on peoples mindes. May the Seventy be more propitious to this Country than the 69, which looks like a dream from which, tho one be awaked, still leaves a painfull impression. As we expected the Parliament would oppen with something very grand, every body has hurryd up, but as his Majesty has taken the charge of the hornd cattle, its to be hoped the Duke of Grafton at least will be safe in the Royal protection. As to publick matters in Town, the state of them stands thus: a very fine Play house without actors, an assembly without Dancers, a Consort without musick, a Court of justice without judges, fine women without Lovers, and one man of spirit who we are going to hang, to show Madam Liberty that she is not to cross the Tweed. This foolish Dog took it into his head to defend his property against an Earl, and shewed his Lordship a Lord against a man was but a man; so we see as plainly as any of his judges he deserves to be hangd, and hangd he will be.

After this account of the Town you will be less surprized to see this dated from the Country. 'Tis true the purling brooks are a little rough at present, neither does the leafless boughs forme shady Groves. The birds skulk silently amongst the hedges, and winter reigns with an uncontrold sway; but good fires, good spirits, and agreable company bids his power deffiance. One noble youth in particular, who is able to smile away his thickest glooms, suplyd the song of the nightingall and made us even forget the want of the all-chearing Sun. It is with regret I leave it in a few days for smock and ceremonie. I will be pleasd to hear from you, so wishing you all the Pleasures of the Seventy, with health, hope, Love, and success, I take my Leave.

LINHOUSE, Jany. 22, 1770. JEN: SCHAW.

The miscellaneous correspondence included a letter of February 1777, written in a round, schoolboy hand, from

a youngster to his brother in Forfar, giving him the news of the glen :

Dear Brother,—We received yours just now, which is acceptable hearing of your recovery. Our friends is all well accept your sister Anne, which was very bad for this week by-past with a could that she got after the misels. But she is a good dale better now. You are to have your stokings and your shirts, &c. redy against the market. Katrin Robertson was here an eight days making them redy for you. No news in the country just now, but only your friends Andrew Lamond and Jean Shaw is married and a great wedding, of which you lost on your abscence. We continue alwise merry—dance at Westmiln, where, as the whole famile of Cray were there on Monday last, Katrin was verry sory that you was not there to be her partner. I have sent the musk book with James Bruce the carrier. Mother desires you send a pound of tea, if you can find it reasonable. James and Susan joins their complmets to you.

It is probable that for " musk " we should read " music," as it elsewhere appears that the brother was a notable performer on the violin. Another juvenile communication, dated from Newburgh in May 1789, and written by a nephew to an uncle, contains the following passage, not less precious than precocious :

As you are now about to quit your father's, I am of opinion that a helpmate would be very requisite. There is one Miss Gardner at Coupar which I would recommend to your view, as she is possessed of a good fortune and no small share of Beauty, and other accomplishments due to her sex. And I doubt not but you might prove agreeable to her ; at least her Distinction or Extraction is not so great but you might make your addresses to her with safety. Take this into your consideration, and by giving my kind comp^{ts} to all the family without exception, you will much oblige, Dear Uncle, your affectionate Nephew, Geo. Murray.

Blessed are the uncles who can call such wise youths nephew ! The contrast between town and country life is thus feelingly drawn by a merchant's apprentice of Dundee, writing in October 1780 to his friend, the son of a Forfarshire laird :

You may thank your stars for such a happy life as you enjoy. Glad would I be did their rays shine so propitious upon me, who alas ! is unremittedly employed. I every morning must rise before day & pore

upon books for 3 or 4 successive hours without intermission. Thereafter I depart into the chamber & seize the quill, & so encounter with these alternately untill 11 o'clock at night. Whereas you, as soon as Aurora trembles over the sky & unperceived unfolds the spreading day, seize the gun, while the dog stands beside & keenly waits your departure to the Hill, whither he with eager steps follows ; thus in traversing the forests & hills he points out & exposes the game to view, & in its pursuit you reciprocally assist each other till overcome with fatigue & lassitude. Then you in the evening homeward plod your weary way, heavily loaded with the Carrions of your unfortunate victims, and you, Dear John, are received at home with the embraces of paternal affection. Thereafter with delight you sit at the fireside & hear the rural talk, the rural scandal, the rural jest, fly harmless to deceive the tedious time, & steal unfelt the sultry hours away. Oh did I but enjoy a few of these rural enjoyments that are superfluous to you ! Hark ! hark ! hark ! I hear my master's footsteps fast approaching. He will be upon me immediately. I pray you excuse this over-hasty conclusion. I meant to protract my letter, but alas ! servility (from whose vinculums I hope soon to be disengaged) is always subject to restraint.

The prose style of this industrious apprentice, like that of Dickens when engaged in cultivating a purple patch, is apt to run into blank verse. The character of the script adds a realistic touch : the writing is of a superfine copperplate excellence up to the point where the writer becomes conscious of his master's advent, from whence it degenerates into a hurried scribble. Sometimes, however, the country cousin tempered the monotony of rustic pleasures by a visit to the town, as appears by a letter from Dundee of June 1780 :

I am just now set down to own receipt of your kind letter of the 10th inst & am extremely happy to see that you arrived safe & in good Health, which at same time showed me that you was no worse of your night's Foy. I was no worse either—only had a little sickness for the matter of an hour on the morning after, but that was all. Indeed I must tell you without flattery (which I hate) that I never was present at a genteeler Foy, nor one conducted with more propriety, altho' I have now been at many. You acted as a Gentleman. I have seen most of your acquaintances here since : they return hearty Comp^{ts} & well wishes for you.

As to News, we had last night but one a great ringing of Bells for the taking of Charlestown by Sir Henry Clinton & Adm^{l} Arbuthnot with very

little loss on our side—only about 75, but no less on that of the Enemy than 6000 taken, with 400 piece of Canon. It is a most lucky circumstance for us, at the time when faction & sedition reigns so much amongst us both at home & abroad, as you'll know already from the Papers of that Dismal affair at London occasioned by Lord G. Gordon's Mob, who, I believe, under the Mask of Religion have done every thing in their Power to destroy our benign & happy Constitution. What will not lawless Men effect! It is reported here that the brave Adm[l] Rodney is dead & that is said to have happened in an Engagement, but the truth of it is not yet ascertained. God grant it may not be true; he certainly is a fighting Man.

"Foy" is defined by the best commentators as a farewell feast or entertainment, given to or by one leaving a place; a compotation before setting out on a journey. It is manifest that the visitor could carry his liquor like a laird. Accounts of the fall of Charlestown, of Rodney's famous victory, and of the late tumults in London, are contained in the *Scots Magazine* for June 1780. A month later the laird hears from another correspondent further of the public rejoicings at Dundee:

Worthy Acquaintance,—I received yours only three days ago; it hath been eight days in coming, and for answer say I am very glad that you got the pruins so seasonably to your hand. As for news, there is great plenty of publick, as you will hear. We had a very merry day on Tuesday, the day that the news came; the bells were set a-ringing and we are daily expecting more news from America, and the West Indies from Rodney. On Wednesday there was a grand procession by the garners; they went throw the toun in a very elegant manner, according to their custom. The Lasses at the Shore hath their Respects to you and thinks you are not very kind in not sending them word how you are. I have got no more to say at present, but the Famle Sex are continuing the same way as before. Inclosed you have your Summons for your Drunken groat; and I cant leave off without telling you that William Watson is listed with the tender for some outcast with his master and maid. Expect to see you down soon in our toun to have a glass with you for your old kindness.

The damsels of Dundee figure frequently in the correspondence, not always with discretion. These summer months of 1780 brought other letters from the seaport to the glen,

two of which are from the pen of Will Pitcairn, a ready writer, who, after the customary compliments, thus proceeds :

As to Publick affairs, they at present seem to wear a good aspect. Our success in Carolina, and our daily hopes of hearing in a favourable way from Noble Admiral Rodney, keep up our spirits and makes us think that War shall soon be turned into peace. Then our Streets shall be paved with sixpenny Loaves, our Houses slated with Pankakes, our Rivers run wine, the young Lasses shall be flying about like pealings of onions, and the Pigs shall be running about with Forkes and knives in their Backsides, crying, " Who'l eat me, John, who'l eat me ! " Then, Dear John, we shall have food for nothing and Drink far cheaper. Dear John, can I conclude without telling you that James Fleming has got Mr. Saunder's servant maid with child. . . . I say no more but that.

This " most brisky juvenal," in Thisbe's phrase, is, I regret to find, that same industrious apprentice who wrote so enthusiastically of rural joys. Will's next letter, of 8th June 1781, contains more stirring news :

I see by your letter that you have heard in your Country the dreadful alarm the Town of Arbroath & other Towns on the South & North coasts suffered by that Piratical Dog, Geo. Fall. He first of all alarmed the Frith of Forth by landing upon the Island of May & rumaging & taking every thing that he could lay his hands on. He next morning went & anchored before the Town of Aberbrothick & sent ashore by two of his Men a Letter to the Magistrates of the said place, demanding them in the name of his Master, the King of France, to bring to, to the French Cutter or he would lay the Town in ashes immediately, to which they returned no answer. He sent another Letter demanding £30,000 of ransome money after he had fired all night up on the Town ; and they seeing he could hurt the Town in no respect, put up a Flagg of Defiance upon the Peer. He spent 200 shot on the Town, but by good luck his ship was so low it had no effect. He weighed Anchor about 12 & went & took several ships in the offing, & to the great disgrace of the Town of Aberdeen he took two Privateers within reach of their Guns. He is now away, God knows where. I hear & by your letter see our old acquaintance James Fleming is in Edinr. He has indeed behaved in a most absurd way.

The " Piratical Dog " referred to must not be confounded with the John Paul, *alias* Paul Jones, of daring memory,

whose operations some years before had caused much anxiety to the good folks of the eastern seaboard. This buccaneer was Captain Gulielmus Fall commanding the French privateer cutter *Fearnought* of Dunkirk, whose bombardment of Arbroath is recorded in the chronicles of the town.[1]

On 26th June one Mr. James Sands writes from Edinburgh to his friend in Glenisla. Obviously he was a limb of the law, but which of the legal bodies could claim him as a member does not appear.

I have been always intending to write you an answer, but could not get so much time, it being the beginning of the Session, which I hope you will admit as a sufficient excuse. You can hardly imagine how sorry I was not to fall in with you the evening after we came from the Play. I went thro' and thro' the Croud at the Play-house door in search of you, from thence across the Bridge, back again to the Play-house, and from that to the Cross ; but not finding you, was obliged to go home. I am happy to hear the Play-house afforded you so much entertainment, about which we shall have some conversation when I come to Glenyla.

We have now a very fine show of vessels lying in the Firth opposite to Leith, consisting of near 500, upwards of twenty of which are men-of-war and the rest merchantmen, which have brought great numbers of people from all parts of the country to see them, so that every thing here is very dear. Could you be assured of the wind's continuing to blow from the East, it would be well worth your coming here to see them, as you perhaps may never have such an opportunity of seeing the like again. You should be welcome to a part of my bed during your stay, and such victuals as I could afford. If you cannot come down now, I think you might come here in the end of July for the races.

The old Theatre Royal was then in Shakespeare Square, on the site of the present General Post Office. An account of the great fleet collected in Leith Roads, waiting convoy for the Baltic, is given in the *Scots Magazine* for June 1781. Leith Races, immortalised in the poet Fergusson's rollicking rhyme, were an annual popular diversion. It seems

[1] *History of Arbroath.* By George Hay, pp. 346–52. Arbroath: 1876; *The Round O, with its Poets*, pp. 30–35. Arbroath: 1883. The latter contains an epic poem on the subject, entitled "The Battle of the Brothock."

that the laird did not see his way to accept this invitation, for on 2nd August his learned friend wrote again :

I looked for you every day during the race week, but was disappointed. I assure you you would have been very well diverted, as the races in general afforded good entertainment. There was a great show of Ladies on the Sands, and Plays during the week, where the Ladies were dressed with the greatest taste.

I must ask your pardon for not seeing you in the Vacation ; which I intended to have done, but was disappointed by some business coming in my way. I see you are engaged breeding a dog for the muirfowl ; if you are good at the business I shall perhaps bring one with me that will be no worse of a lesson from you.

He proposes also to take to the Highlands a young gentleman who lodges with him, " as he wishes much to see the Hills." The town is beginning to empty, and he cares not how soon he leaves it for the country. Perhaps the laird will be at the trouble to walk down to the Kirkton to meet him on his arrival. " The bell is ringing, and I must away to the Parliament House."

I have room for but one more extract : from a letter from a candid friend, which is too delightful to omit, with reference to this correspondent's behaviour when on a visit to the capital.

You must be sensible you should have wrote me first with an account of your journey from this place and arrival at home. I am obliged to you for owning that fault to be yours & so far from being rigorously disposed, shall be glad to have an opportunity of bestowing on your goodness & condescension the merit that is due to it.

With respect to the piece of secret I promised to tell you, I think its total revelation would be doing you an injury, as now it cannot be of any service to you, and would only irritate your mind against the person who spurred you on to such an imprudence. I mean your sending a Ball ticket to Miss ——, for I daresay you would never have been guilty of such folly unless blindfolded by some artfull fellow. When you first fixed your fancy upon her & thought that from her looks you had any reason to think they were favourable, you then resolved to try every method to gain her acquaintance . . . . Now as you are at a distance and the story almost buried in oblivion, I think it improper to say any

more about it, *as I have told you the whole particulars.* I hope you'l take better care of your conduct for the future, in case you should engage in another of so delicate a nature.

Edin^r^, Nether Bow, 21st June 1781.

One hopes that the laird's next affair of the heart escaped the vigilance of this Job's comforter.

The antique aumrie wherein these letters had lain so long also contained, like the "high old-fashioned black cabinet" which engaged Catherine Morland's curiosity, a lot of old household accounts. Of these many were doctor's bills—the family seem to have done themselves well in the matter of physic—in which divers distasteful remedies formidably figure. One, incurred during the memorable year of the Forty-five, may be quoted as a sample:

ACCOUNT The Laird of ——, Due To Mr. Crooks, Surgeon in Coupar Angus.

1745.				
June 19.	The Eye water for your Lady	£0	6	0
	The two Doses purging Materials	0	8	0
	The three Doses pills	0	9	0
	The Blister for her Head	0	6	0
23.	The Materials for Fomentation	0	6	0
	The two Doses purging Materials	0	12	0
	The Blister for her Back	0	12	0
	The Mehlot plaister	0	14	0
	The Epispastick ointment	0	4	0
	The Leeches	0	2	0
July 3.	The Eye Salve	0	2	0
August 14.	The Mastick	0	12	0
	The Compound Spirit of Lavender	0	6	0
	The Vomit	0	6	0
	The Leeches	0	4	0
	Total is	£5	9	0

Coupar, January 7th 1747. Received the above in full of all preceding this Date by

ALEX^R^ CROOKS.

It is instructive to compare with current prices the charges in the following tailor's bill :

1756.				
29 Decr.	To making a Cloath westcoat for y^{r} self . .	£0	1	6
	1 Doz. buttons	0	0	5
	⅜ buck^{m} & stenton, ½ oz. thr^{d} & 3 Dp twist & silk	0	0	9
1757				
28 Janr.	To making up a pair read shag breeches for Mr. George	0	0	8
	¼ scarlet shag, 1 white skin & thr$^{d.}$ . . .	0	2	9
2 Feb.	To making a pair of breeches for y^{r} self . .	0	1	0
	1 Doz. small & 2 big buttons	0	0	3
	Thr^{d}, stenton & hair	0	0	5
21	To making a scarlet vest w^{t} Lace, a fileveg pair Drawers & hose & making up a short blew coat for Mr. George	0	3	6
12 March.	To making a scarlet coat & a pair hose for D^{tto}	0	3	4
31	To making a vest & breeches for y^{r} son Tho. .	0	1	3
	To making a coat for D^{tto}	0	1	6
4 Aug.	To making a cloath vest & a pair blew breeches for D^{o}	0	1	6
23 Oct.	To making a pair breeches for D^{o} . . .	0	0	6
	2 skins buttons thr^{d} stenton & hair . . .	0	1	9
		£1	1	1

Truly a wonderful guinea's worth ! If Peter Will, Taylor in Dundee, were yet in the exercise of his craft, he should enjoy the favour of my custom. The series may fittingly close with the bill for refreshment at the laird's obsequies :

Mrs. —— in ——, to David Frazer in Corb, D$^{r.}$

28th July 1791.	To 27 pints Whisky for the Funeral of Mr. John ——, @ 2/ per pint . . .	£2	14	0
	By Cash	2	13	6
	Ballance . . .	£0	0	6

There were also sundry recipes, medicinal and culinary, by which for better for worse, in sickness and in health, the family fortitude at divers times was tested. One, from the

lively pen of Miss Janet Schaw, author of the Journal before mentioned, I positively must find place for:

Recept for a Cough and Pain of the breast.

Of the herbs calld bind tongue, tushilago, and maiden hair, each a handfull; of allthea root, 4 oz.; of Ligorish stick cut in paices, 4 oz.; of brown suggar candie, halfe a pound. Part these in four, using a fourth part at a time, made in the following manner. Put them into a close pan or goblet, with three muchkins of water; set it on a very slow fire, and let it stove in, the one halfe, then put it throw a serch to keep back the herbs. Take of this a small wee cup or less as your Stomack can bear it, bringing on yourselfe by degrees to take a large brakefast cup of it, but be sure never to overload your Stomack. Try it at first twice a Day, then thrice, as you can digest it.

You must not let a bite of Linnin touch you. Ly in flanel sheets or Blankets, wear a flanell Shirt, very thick shoes & stockings. If Limons are to be had, drink Limon and watter. If not, Irish posset, which is warm milk, pourd on butter milk till it posset. Drink the wey with a little suggar, eat very little flesh, drink nether wine nor spirits in any way. Take as much exercess as possible, go early to bed, if you sweat in the morning raise the moment it begins. Think of nothing, hope every thing, and aske God's blessing.

This is the literal recept as I got it, and it has to my knowlge saved more Lives than one. That it may be of equal service to you Prays—J. S.

You will get the things in Perth. The reason of doing it at four times is least it sour, but you must renew the matterials when they are exhausted, if it agree with you.

Should any of my readers wish to avail themselves of this redoubtable remedy they are welcome to do so. Personally I prefer a cold.

Of relics other than manuscripts, with one notable exception presently to be mentioned, I have no space to speak—though I saw a curious and ancient stone, whereon were engraven certain mystical characters which no man might read. Uncovered by the plough in a neighbouring field, it has long proved, like the similar discoveries of Mr. Jonathan Oldbuck and of Mr. Pickwick, a veritable stone of stumbling and rock of offence to divers learned

antiquaries, each of whom deciphers the inscription in a different way, the more erudite holding that it is a march or boundary stone erected by Hungus, King of the Picts —a conclusion which would have commended itself to Sir Arthur Wardour.

And now at length I am about to reach the motif of my tale, which hitherto, I fear, has seemed rather to resemble a performance of *Hamlet* with the proverbial drawback. My friend and host brought out of the aforesaid reliquary a worn shagreen spectacle-case, from which he reverently drew forth a pair of massive old silver glasses, with round thick rims quite in the modern fashion, and long flat double-jointed arms, angled at the elbows to fit the wearer's head.

"These," said he, with a gravity proper to the occasion, "are LORD DUNSINNAN'S SPECTACLES."

II.

I had come to this remote and rural vale with the view of acquiring so much local colour as I could absorb for a book I meant to write about a celebrated case connected with the district, to wit, the murder in 1765 of Mr. Thomas Ogilvy of Eastmiln of Glenisla, for which his wife, Katharine Nairn, and his younger brother, Patrick, were subsequently tried and convicted. I was to visit on the morrow what we Scots lawyers term the *locus*, or scene of the crime: a little grey farmhouse by the river, some four miles farther down the glen, which had formed the so incongruous setting of that old-time tragedy; and it was to this same hospitable roof—now sheltering me, unworthy—that Patrick, leaving Eastmiln in anger after the quarrel with his brother, came for a time as guest. Yes; the young lieutenant, his heart by turns hot with love of his sister-in-law and cold with enmity against his brother, had sat in this very chamber, had walked out-by upon the waterside to receive the letter from the fatal fair one that was to lead to their undoing, and had slept perchance, or more likely lain awake, in the

four-post bed above-stairs which was shortly to secure my own less agitated slumbers.

Katharine Nairn or Ogilvy, young, beautiful, and well-born, was the daughter of Sir Thomas Nairn of Dunsinnan, a Perthshire baronet; her husband was a valetudinary farmer-laird, double her age. They say that marriages are made in heaven, and indeed the why and wherefore of this one is known only to an all-wise Providence. Be that as it may, her affections were speedily transferred to her young brother-in-law, then home on sick-leave, and living idle in the house. The key to the mystery, other than that of the marriage, was unquestionably held by Miss Anne Clark, a cousin of the laird, who soon after the wedding joined, for its sins, the family circle at Eastmiln. This lady, coming from Edinburgh ostensibly to make peace between the laird and his youngest brother, Alexander Ogilvy, a dissolute surgeon there, who for his scandalous conduct had been disowned by his relations, was to prove an evil guest. A strange woman in the Solomonic sense and lately Alexander's mistress, her real business in Angus was to sow dissension in the house of Eastmiln, to the end that, divided against itself, it should fall—to her own lover. How far she achieved her purpose may be read in the report of the trial,[1] or more invitingly, in an admirable fiction founded upon the facts of the case.[2] Katharine, respited on account of her delicate state of health, broke prison upon the eve of being brought up for sentence, and this, as was currently believed, by contrivance of her uncle, Sir William Nairn, who succeeded to the baronetcy and became, with the judicial title of Lord Dunsinnan, a Senator of the College of Justice. Thus, although Patrick paid the penalty in the Grassmarket, Katharine made good her escape abroad, and nothing certain is known of her fate. "Paolo and Francesca in Angus," was Andrew Lang's word

[1] *Trial of Katharine Nairn.* Notable British Trials Series. Edinburgh: 1926.

[2] *The Laird.* By Winifred Duke. London: 1925.

of these young unhappy lovers, though the parallel lacks completeness.

It will thus be apparent how greatly I was intrigued by the sight of the veritable spectacles of the old judge. "May I put them on for a bit?" I asked; and my friend, conceding the privilege, resumed his interrupted reading.

Now, whether by reason of some strange magic residing in those silver spectacles, or because of the long motor run I had that day accomplished, or on account of the lateness of the hour, the length of the sederunt, the potency of my host's whisky, the number of pipes I had smoked, or the soothing effect of being read to by the fire in that warm lamp-lit parlour, or from a combination of these several soporific influences, certain it is that I began to nod; my friend, his forebears, and their affairs; the figures of Katharine, of Patrick, and of Lord Dunsinnan; all became inextricably mingled in my mental vision. With the enchanted glasses still on my nose, and a firm resolve to remain strictly at attention, I slipped into oblivion.

. . . . . .

It was the night of Saturday, 15th March 1766. Edinburgh lay wet and cheerless beneath a clammy curtain of Scotch mist. As the day died, a bleak wind out of the east brought it up in cold blasts from the Firth and the North Sea. Stealthily, in ever rising waves, the haar crept upon the city, until the Tron Kirk steeple, the air-cock of St. Giles, even the high towers and battlements of the Castle on the rock, were successively submerged, and vanished. Few folks were out of doors. Those whom business or pleasure caused to be abroad groped their way, not without collisions and curses, up and down the steep, ill-lit wynds, issuing from under ghostly pends like miners from a pit.

In the wider area of the Lawnmarket, as the fog-veil parted to the gusts, the black bulk of the Tolbooth stood out for a moment against the grey background, lights

feebly twinkling here and there high up in its gaunt walls that, stained and dripping, seemed to weep in pity for the miserable sinners subject to their masonry. The precincts of the Parliament Close, deserted at this late hour, were dark and silent, save for an occasional gleam of light and gaff of laughter, when the door of John's Coffee House opened and shut upon some strayed reveller, who more by luck than good guidance had found the road to that jovial asylum.

On such a night as this, in his lofty lodging in the tall land at the head of the President's Stairs above the Cowgate, my Lord Dunsinnan might have been a keeper of one of the Northern Lights, so remote was his situation from contact with his kind. His lordship was a bachelor and of thrifty habits. It is recorded of him that at Dunsinnan House, his Perthshire seat, he kept no company, and had but one bed in commission, other than those occupied by his servants, thus to preclude the possibility of being put to the expense of entertaining guests. It chanced once that a country laird, visiting Dunsinnan late in the day, found himself, when about to take his leave, faced by a violent storm. Not unreasonably, he proposed to remain the night ; but his host was positive that the conditions would so improve as to admit of his departure, and even went forth himself to the stables to order out his friend's carriage. But the coachman refused to harness the horses ; in such weather, with roads so bad and dangerous, he preferred to share his charges' quarters till daylight. My lord had now no alternative but to explain to his visitor the inhospitable nature of his *ménage*. " George," said he, " if you stay, you will go to bed at ten and rise at three ; *and then I shall get the bed after you.*" [1] As David Balfour remarked of Uncle Ebenezer's pouring out for him an accurate half of his own cup of beer, " there was a kind of nobleness in this that took my breath away." The

[1] Kay's *Portraits*, i. 218.

gates of Dunsinnan House should have borne the warning inscribed upon the lintel over the old entrance door of the house of Grange, Edinburgh: "Repose Alleurs," which is to say, "Rest elsewhere"; or, in the vernacular, "Ye may sup but ye mauna bide."

To-night, old Margaret Downie, the housekeeper and sole domestic, being absent on leave, my lord kept house alone.

They were a handsome race, these Nairns; the men tall, florid, and portly, if a trifle ponderous; the women comely, gracious, and discreet. How came such frail fruit as thin, pale-faced Kitty, of the few inches and fewer brains, unconscionably wayward and lacking in moral sense, to be borne by so straight and sound a tree? Her uncle, marvelling at the riddles of heredity, made up the fire, snuffed the candles that stood upon his reading-table, took down from the book-lined walls a folio of ancient and juridical aspect, and, adjusting his spectacles, settled himself in his lug-chair by the hearth.

But all to no purpose; my lord that evening was plainly a victim of the fidgets. Dirleton's *Doubts and Questions* were more easily resolved and answered than his own perplexities. The fog seemed to dim his glasses, getting between them and the printed page. Laying them and the volume by, he rose from his seat, and moving with heavy tread to the window, drew back the curtain and looked out upon the close. Instead of the familiar prospect of the Parliament House and the great church, respectively the scenes of his diurnal and hebdomadal resort, he saw nothing but a well of opaque vapour, in which the world lay drowned.

"At least," he muttered to himself as he returned to his chair, "'tis a good night enough for the ploy, so long as they manage to keep the road. Pray heaven it prove not a case of the blind leading the blind into the ditch. They should be through Haddington by now, and well on the way for Berwick."

The harsh risp of the tirling-pin on the outer door broke abruptly the quiet of the house. "Gudesakes, wha's this?" exclaimed his lordship, surprised into the vernacular by the unexpected sound. Hurriedly he left the room, crossed the narrow lobby, and with nervous hands unbarred the entrance to his sanctuary.

On the landing at the stairhead a small man, of damp and dejected mien, confronted him. In mutual consternation they stared at one another across the threshold.

"What in the name of all that's damnable is the meaning of this?" cried Lord Dunsinnan, when he had found his tongue. "Don't tell me she's taken!"

"De'il kens whaur she is," returned the other, in accents of high exasperation. "Let me in, my lord, and gie me something strong to drink, for I'm fair perished wi' the cauld. Gin she had been *my* niece, the limmer, I wad hae seen her birsle in hell or I had bided sae lang for her on sic a nicht."

"Hout-tout, James," said his lordship gravely, "this is no way to speak at all. Come in by, man, and let's hear the worst of it."

So Mr. James Bremner, writer in Edinburgh, and confidential clerk to the Honourable Lord Dunsinnan, followed his principal into the study. No word more was said until his necessity had been relieved. The judge brought forth from a press a goodly gardevine, poured into a wide silver-rimmed quaigh a generous measure of its contents, and handed the same to his clerk, who, proposing the brief sentiment, "Here's til us!" took off his dram without a wink.

"Aye," said he, removing from his lips with the back of his hand the lingering drops, "I was needing that. For twa mortal hours hae I sat in yon dooms cauldrife chaise at the fit o' the Horse Wynd, blawin' on my blae fingernebs, waiting on the silly bitch, wi' the haar as thick as pease soup, and the fear o' the Lord and the Town Guard

sair upon me; and ne'er a body did I set eyes on, forby an auld runt o' a cinder-wife, that speired a spunk for her pipe. My certie, Dunsinnan, it's a gowk's errand ye sent me on the nicht."

"But what I cannot understand, James," said his lordship, "is that Mrs. Ogilvy should not have bided tryst. A sore business I have had of it, and a fashious. There was Lucky Shiells, the howdie, must be paid to change clothes with her when she visited her in the Tolbooth, conform to the order of Court; there was James Robb, the keeper, must be bribed to let her give him the go-by at the gate; there was Geordie Burns, the jobmaster, must be fee'd for the use of his chaise and post-cattle to carry her ayont the border; there was the great charges of the journey to be provided, forby the cost of an officer's habit, as a disguise for the road, hired from yon extortionate Hebrew in St. Mary's Wynd; and there was yourself, sir, that was to convoy the fugitive and would doubtless be looking for a honorarium, the job lying something outwith the scope of your employ. This saving of the family honour is like to cost me a bonny penny before I'm by with it. All these outlays incurred, and yet we're no further forward. The gude siller ware't like snaw aff a dyke," lamented my lord, losing in his vexation his precarious hold of the English; "the lassie still in the Towbooth, and for a' thae sums disbursit, her craig maun ken the weicht o' her hurdies at the last o't!"

"The feckless besom wull hae wandered hersel' in the haar," philosophically observed Mr. Bremner, upon whom the contents of the gardevine had exerted a mollifying influence. "Puir bairn, I'm sure I wadna hae grudged waiting on her till the morn's morn had I thocht she wad hae wan out. But I jalouse, Dunsinnan, the howdie's played ye fause."

"I'll never believe that," said the judge. "I would lippen to Lucky Shiells against all deadly."

And now, for the second time that night, a tirling at the

pin startled the echoes of the silent house. The two men looked at each other in astonishment.

"This is a night o' ferlies," said my lord. "James, see you and answer the door."

Mr. Bremner accordingly left the room, and after a brief absence returned, ushering in a short female figure, voluminously cloaked and shawled. Disencumbering herself of these integuments, Katharine Nairn, the cause of all their fears and anxiety, stood revealed. So astounded was Lord Dunsinnan that he sat down suddenly in his great chair and gazed at his niece in speechless amazement, while his clerk stared as if confronted by a bogle.

The girl's white tired face glistened with wet, the dark hair clung in damp wisps about her ears and forehead, her slight body was limp with weariness, but her black eyes, bright and indomitable, met unflinchingly the others' questioning looks. Then, with a flutter of the lids, they closed, she swayed slightly, and lurched against the table.

Mr. Bremner was the first to recover his wits. He hastened to replenish the quaigh. "Hae!" said he, and held it to her white lips; the girl, semi-conscious, drank. The remedy proved instantly effectual: with a choking cry, she sprang away from his supporting arm. "Water, water!" she gasped, clutching at her slender throat.

"Na, na," deliberately replied the clerk, "ye'se get nae watter here: it's mair medeecinal nakit."

"And is this all the welcome I'm to get?" she cried, so soon as she had regained her breath; "me that's near dead with what I have gone through this night—the pair of you glowering like wild cats, and then to be poisoned on the back of it!"

"I wadna be naming pousion if I was you," said Mr. Bremner dryly. "There's been ower muckle word o' that already."

"But what for, mistress, was you not at the Horse Wynd-foot, where the coach has been in waiting this hour and more?" demanded his lordship. "Surely you had

my instructions by Mrs. Shiells, which, if you value your neck, it behoved you timeously to obtemper ? "

" ' Instructions ! ' quo' he," she laughed in his solemn face ; " there was no word in your instructions about playing blind man's buff up and down the town in this plaguey fog. Fine I minded your instructions. Did not I put on the wife's stinking duds, did not I stoiter down the scale stair, groaning with a toothache as if Auld Hornie was at my tail ? Why, the very keeper at the outer gate clapped me on the back as I went by, bidding me begone for a howling auld Jezebel ! But I was out of the frying pan intil the fire. It was pit mirk in the street, and it seems I took the wrong turn, for I found myself in James's Court, where I had no wish to be. And syne I minded that decent body James Smith, my kinsmen's doer, bided in that same place, so I just risped at the first door to ask for his lodging. Wae's my luck, it was Lord Alva's house, and the footboy that answered the door kent me by sight, though where the unchancy birkie had seen me is mair nor I can tell. And then he skirled out loud, ' Here's the murderess escapit ! ' and with that the whole clanjamphry was stirred, so I e'en took to my heels and ran for it. The court was thrang like a bees' byke ; I could hear them rowting after me through the pend ; but there's some sense in yon fog of yours after all. Away they went bullering down the West Bow, and here was I, gude kens how, fornent the Luckenbooths and near by the Back Stairs. Then I minded me upon my kind uncle and the ties of kinship, and am come up to claim your honourable hospitality. It's weary work, though, this prison-breaking ; if I had kent the fash of it, ere I put one foot afore the other, I had rather have rotted in jail all my days ! "

" Woman," said the judge severely, " is this a right spirit for one hardly snatched by a merciful Providence from the gallows' foot ? Think upon your sins, ma'am, and on the great and awful day of judgment."

" But in the mean time, uncle, you'll not be grudging

me something to eat. I havena tasted meat since my dinner at noon, and mighty little of it then."

"Here is no time for eating," said my lord in his best judicial manner; "the question is rather of saving your unworthy life. The coach waits; my clerk, Mr. Bremner, will take you to it, and will see you safe abroad. By favour of this haar you may cheat the wuddy yet. I am incurring great risk and outlay, not for your own sake, but for that of the respectable family upon whose name your crimes have brought disgrace. Remember Eastmiln, your gudeman, that's dead and gone, you best know how; remember the poor lad Peter, that was your lover and accomplice, and to what a fearful end you have brought him; remember the helpless innocent that you are abandoning at its very birth; and so remembering, think shame to yourself to be crying for meat to pleasure a wanton stomach. Cry rather for mercy from an offended God."

"Keep me, here's a fine work about giving a lassie a bite of bread!" rejoined his incorrigible kinswoman. "I aye thought you was an auld sneck-drawer, and your nearness is a by-word through the country side. But I've my purse in my pouch yet; and if you'll tell the man to stop at the first change-house on the road, Mr. Bremner, you and me will e'en take a bit chack together, and drink your master's health in something a wee less fiery than his ain browst."

So saying, Mrs. Ogilvy resumed her wraps and signified her readiness to depart. My lord lighted them to the stair-head. She went down the dark turnpike with no word of farewell; but Mr. Bremner, before following her, had this final injunction from his employer: "James," said his lordship, "if you are pursued and like to be catched, bid the lad drive into the sea that she may drown herself; *she must not be taken alive.*" Fortunately for her conductor the contingency did not arise.

Once out of doors, the fog engulfed them as if they had never been. Lord Dunsinnan, returning to the study,

trimmed the lights, put on his glasses, and with a shake of his dignified head, resumed his folio.

St. Giles' bells chimed midnight.

. . . . . .

"Well," said a friendly voice, "I think you will have had enough of these old matters for one evening, and it is high time that we were in our beds." The fire was faint, the lamp burned low, and I was uncertain, not only as to the hour, but even of the century. Reluctantly I relinquished the magic spectacles.

"To-morrow," said my host, as we parted at the door of the guest chamber, "to-morrow you shall see Eastmiln."

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